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Selections. THE DRED SCOTT CASE.

THE OPINION OF MR. JUSTICE CURTIS.

ONGRESS HAS POWER TO PROHIBIT SLAVERY IN THE I have thus far assumed, merely for the purpose of the argument, that the laws of the United States, respecting

stional and binding laws.

justly considered by all the counsel to be necessary to assertain the source of the power of Congress over the territory belonging to the United States. Until this is ascertained, it is not possible to determine the extent of

On the other side it was insisted that the Constitution

they will also aid in the construction of any provision which may have been made respecting this subject.

Under the Confederation, the unsettled territory within

the limits of the United States had been a subject of deep Some of these States insisted that these lands were within their chartered boundaries, and that by their independence they had succeeded to the title of the Crown to the soil. On the other hand, it was argued that the vacant lands belonging to the Crown had been acquired by the United States, by the war carried on by them under a common government and for the common interest.

This dispute was further complicated by unsettled questions of boundary among several States. It not only lelayed the accession of Maryland to the Confederation, but, at one time, seriously threatened its existence (5 Jour. of Cong., 208-442). Under the pressure of these circumstances, Congress earnestly recommended to the several States a cession of their claims and rights to the United States (5 Jour. of Cong., 442). And before the Constitution was framed, it had been begun. That by New York had been made on the first day of March, 1781; that of Virginia on the first day of March, 1784; tember, 1786; that of South Carolina on the eighth day of August, 1787, while the Convention for framing the

It is also equally important to note that, when the Constitution was framed and adopted, this plan of vesting in the United States, for the common good, the great racts of ungranted lands claimed by the several States, or parts of States, without the consent of the in which so deep an interest was felt, was yet incomplete.

It is also equally important to note that, when the Constitution is also possesses the power of governing it, when adjunction of any other State; nor large and present of the constitution of the Const It remained for North Carolina and Georgia to cede their extensive and valuable claims. These were made, by North Carolina on the twenty-fifth day February, 1790, by Georgia on the twenty-fourth day of April, 1802. The terms of these last-mentioeed cessions will hereafter be noticed in another connection; but I observe here that each of them distinctly shows, upon its face, that they were not only in execution of the general plan proposed by the Congress of the Confederation, but of a formed purpose of each of these States existing when the assent of the respective people was given to the Constitution the United States.

It appears, then, that when the Federal Constitution was framed and presented to the people of the several States for their consideration, the unsettled territory was viewed as justly applicable to the common benefit, so far as it then had or might attain thereafter a pecuniary value; and so far as it might become the seat of new States to be admitted into the Union upon an equal foot-Virginia, Massachusetts, Connecticut and South Carolina, as well of soil as of jurisdiction, had been transferred to the United States. North Carolina and Georgia had not actually made transfers, but a confident expectation, founded on their appreciation of the justice of the general

must have foreseen would exist, when the government created by the Constitution should supersede that of the Confederation; that if the new government should be without power to govern this territory, it could not appoint and commission officers, and send them into the Territory, to exercise there legislative, judicial and executive power; and that this territory, which was even then foreseen to be so important, both politically and financially, to all the existing States, must be left not only without the control of the general government, in respect to its future political relations to the rest of the States, but absolutely without any government, save what its inhabitants, acting in their primary capacity, might from time

absolutely without any government, save what its inhabitants, acting in their primary capacity, might from time to time create for themselves.

But this North Western Territory was not the only territory, the soil and jurisdiction whereof were then understood to have been ecded to the United States. The cession by South Carolina, made in August, 1787, was of all the territory included within the river Mississipul and a line beginning at that part of the said river which is intersected by the southern boundary of North which is intersected by the southern boundary of North lead of the southern branch of the Tugaloo river, to the said of the southern branch of the Tugaloo river to the said of the southern branch of the Tugaloo river to the said of the southern branch of the Tugaloo river to the said minutains, and thence for ma a due west course to the river Mississipul.*

It is true that by subsequent explorations it was ascertained that the source of the Tugaloo river, upon which the river Mississipul.*

It is true that by subsequent explorations it was ascertained which were the clause of the southern branch of the Tugaloo river, upon which the river of the said mountains, and thence to run a due west course to the said mountains, and the source of the Tugaloo river, upon which the river of the said mountains, and the source of the Tugaloo river, upon which the river of the said mountains, and the season of the southern branch of the Tugaloo river, upon which the river of the said mountains, and the season of the southern branch of the Tugaloo river, upon which the river of the said mountains, and there are the contract of the subsequent explorations it was ascertained which were the said mountains, and the season of the southern branch of the Tugaloo river, upon which the river of the said mountains, and the season of the southern branch of the said the said that the source of the Tugaloo river, upon which the river of

Georgia would complete the plan already so far executed by New York, Virginia, Massachusetts, Connecticut, and South Carolina, but that the opinion was in no small degree prevalent that the just title to this "back country," as it was termed, had vested in the United States by the treaty of peace, and could not rightfully be claimed by any individual State.

In other words, they had proceeded to act under the cession, which, as we have seen, was as well of the jurisdiction as of the soil. This ordinance was passed on the 13th of July, 1787. The Convention for framing the Constitution was then in session at Philadelpia. The proof is direct and decisive that it was known to the Convention.* It is equally clear that it was admitted and understood not to be within the legitimate powers of the Confederation to pass this ordinance (Jefferson's Works, vol. 9, pp. 1251, 276; Federalist, No. 38, 436).

The subject matter is the territory of the United States that it was consequently under the exclusive power of the people of the United States.

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attained, and thus avoiding the alternative of a failure to execute the trust assumed by the acceptance of the cerained impossible, to know whether this territory did execute the trust assumed by the acceptance of the cerained impossible, to know whether this territory did not then belong to the United States; and conscious made and expected, or its execution by usurpation, quently to know, whether it was within or without the In the argument of this part of the case at bar, it was could scarcely fail to be perceived. That it was, in fact,

that power. On the one side it was maintained that the constitution contains no express grant of power to dr-we examine the Constitution itself, that the necessity for There is not, in my judgr Constitution contains no express grant of power to grant and govern what is now known to the laws of the ganize and govern what is now known to the laws of the United States as a Territory; that whatever power of this kind exists is derived by implication from the capacity of the United States to hold and acquire territory out of the United States to hold and acquire territory out of the United States to hold and acquire territory out of the United States to hold and acquire territory out of the United States to hold and acquire territory out of the United States to hold and acquire territory out of the United States to hold and acquire territory and there hold them as of the United States to hold and acquire territory and there hold them as of the United States to hold and acquire territory and there hold them as of the United States to hold and acquire territory and there hold them as of the United States to hold and acquire territory and there hold them as of the United States to hold and acquire territory and there hold them as of the United States to hold and acquire territory and there has been seven before been the United States to hold and acquire territory and there has been seven before been been government.

No other clause of the Constitution has been referred to a the bar in support of either of these views.

No other clause of the Constitution has been referred to at the bar in support of either of these views.

No other clause of the Constitution tall to be acquired to the bar, or has been seen by me, which imposes any to be rested upon general considerations.

that a subject of the gravest national concern, respec has not failed to make an express provision for this end, which the small States felt so much jealousy that it had been almost an insurmountable obstacle to the formation To determine which of these is the correct view, it is deep pecuniary and political interests, and which had been needful to advert to some facts, respecting this subject, so recently and constantly agitated, was nevertheless which existed when the Constitution was framed and overlooked; or that such a subject was not overlooked, It will be found that these facts not only shed but designedly left unprovided for, though it was manimuch light on the question whether the framers of the festly a subject of common concern, which belonged to Constitution omitted to make a provision concerning the the case of the general government, and adequate provipower of Congress to organize and govern Territories, but sion for which could not fail to be deemed necessary and

> ceded territory, early attracted the attention of the Convention. Among the resolutions introduced by Mr. Randolph on the 29th of May was one on this subject (Res. No. 10, 5 Eliot, 128), which, having been affirmed in committee of the whole on the 5th of June (5 Eliot, 156), and reported to the Convention on the 13th June (5 Eliot, 190), was referred to the Committee of Detail to prepare the Constitution on the 26th of July (5 Eliot, 376). This committee reported an article for the admission of new States "lawfully constituted or established." Nothing was said concerning the power of Congress to prepare or form such States. This omission struck Mr. Madison, who, on the 18th of August (5 Eliot, 439), moved for the who, on the 18th of August (5 Eliot, 439), moved for the careful the form of their order to those who are the form of their order to the form of the form of their order to the form of the form of their order

ments for new States arising therein.

On the 29th of August (5 Eliot, 492) the report of the territory have been made by as many different treatics, committee was taken up, and after debate, which exhibited great diversity of views concerning the proper mode formed on such territory, are now in the Union. Every of providing for the subject, arising out of the supposed that of Massachusetts on the nineteenth day of April, 1785; that of Connecticut on the fourteenth day of September, 1786; the fourteenth day of September and 1786 between those which had and those which had not unset-tled territory, but no difference of opinion respecting the Mr. Chief Justice Marshall, in the American Insurance August, 1787, while the Convention for framing the propriety and necessity of some adequate provision for Company vs. Carter, 1 Peters, 542, "The Constitution was in session.

It is very material to observe, in this connection, that stands in the Constitution. This met with general appropriate provision for company vs. Carter, 1 Peters, 542, "The Constitution the subject, Governor Morris moved the clause as it stands in the Constitution. This met with general appropriate provision for company vs. Carter, 1 Peters, 542, "The Constitution was in session. each of the acts cedes, in terms, to the United States as bation and was at once adopted. The section is as follows: "New States may be admitted by the Congress territory, either by conquest or treaty." And, I add, it into this Union; but no new State shall be formed or also possesses the power of governing it, when acquired.

govern the territory of the United States could not and acquisition, from time to time, of other and foreign terri did not escape the attention of the Convention and the people, and that the necessity is so great that, in the absence of any express grant, it is strong enough to raise an implication of the existence of that power, it would seem to follow that it is also strong enough to afford material aid in construing an express grant of power respecting that territory; and that they who maintain the existence of the power without finding any words at all in did not escape the attention of the Convention and the tory, it seems to me to be an interpretation as inconsiste ence of the power, without finding any words at all in ing with the original States. And also, that the relations which it is conveyed, should be willing to receive a rea-of the United States to that unsettled territory were of different kinds. The titles of the States of New York, vey to Congress some authority concerning it.

It would seem also that when we find the subject-mat-

ter of the growth and formation and admission of new States, and the disposal of the territory for these ends, were under consideration, and that some provision therefore was expressly made, it is improbable that it would be, for was expressly made, it is improbable that it would be

Ordinarily, when the territory of a sovereign power vided for could not continue unless the Constitution should confer on the United States the necessary powers to continue it. That temporary government, under the ordinance, was to consist of certain officers, to be appointed by and responsible to the Congress of the Conferdance. So far are it provided for the temporary government of the territory, it was an ordinary act of Congress, and depending for its vitality upon the continuance of that legislative power. But the officers to that tract of country which is under the political jurisdiction of that sovereign power. Thus the political jurisdiction of that sovereign power. Thus the word in the Constitution. It is used in the fourth section of the first article, to describe those laws of the States which the political jurisdiction of that sovereign power. Thus the word in the Constitution. It is used in the fourth section of the first article, to describe those laws of the States which of the extent of jurisdiction of a State is coëxtensive with its territory. Examples might easily be multiplied of this on the subject of fugitives from service, having a very use of the Constitution, the adoption of the Constitution, the adoption of the Constitution, must necessarily be officers to that tract of country which is under the political jurisdiction of that sovereign power. Thus the extent of jurisdiction. It is used in the fourth section of the first article, to describe those laws of the States which of the strent of the subject of fugitives from service, having a very lose relation to the matter of our present enquiry; in the second section of the subject of fugitives from service, having a very lose relation to the matter of our present enquiry; in the second section of the subject of fugitives from service, having a very lose relation to the matter of our present enquiry; in the eight and the fourth section of the fourth extent of the subject of fugitives from service, having and present and present and pres of the United States, and not of the Congress of the Confederation; appointed and commissioned by the President, and exercising powers derived from the United States need a great tract of country north-west of the Word the Ohio; another tract, then of unknown extent, ceded merce. It is dent, and exercising powers derived from the United States need a great tract of country north-west of the Word the Ohio; another tract, then of unknown extent, ceded merce. It is dent, and exercising powers derived from the United States need a great tract of country north-west of the Word the Ohio; another tract, then of unknown extent, ceded merce. Such was the relation between the United States and sion from North Carolina and Georgia. These ceded the North-Western Territory, which all reflecting men tracts lay within the limits of the United States, and out must have foreseen would exist, when the government of the limits of any particular State; and the cessions

any individual State.

There is another consideration applicable to this part in no way material as respects the necessity for rules and regulations, or the propriety of conferring on the Conof the subject, and entitled, in my judgment, to great regulations, or the propriety of conferring on the Con-The Congress of the Confederation had assumed the of the debates in the Convention on this article, we shall ower not only to dispose of the lands ceded, but to instigress power to make them. And if we look at the course tute governments and make laws for their inhabitants. left out of view in procuring this article, constituted, in In other words, they had proceeded to act under the cest be minds of members, a subject of even paramount impor-

251, 276; Federalist, No. 38, 436).

The importance of conferring on the new government regular powers commensurate with the objects to be

There is not, in my judgment, anything in the languag

respecting territory belonging to the United States do restriction, or makes any exception concerning the power not apply to territory acquired by treaty from a foreign nation. This objection must rest upon the position that the Constitution did not authorize the Federal Governments, its inconsistency with the Constitution did not authorize the Federal Governments, its inconsistency with the Declaration of Independence and with natural right.

A practical construction, or makes any exception concerning the power restriction, or makes any exception concerning the power of Congress to allow or prohibit slavery in the territory belonging to the United States.

A practical construction, nearly contemporaneous with The second is drawn from considerations equally nation. This objection must rest upon the position that the Constitution did not authorize the Federal Governtemplated by the Constitution, its provisions concerning the admission of new States, and the making of all needful

ritory acquired from foreign nations.

It is undoubtedly true that, at the date of the treaty of 1803, between the United States and France, for the of 1803, between the United States and France, for the construction placed on the clause now in question, so far cession of Louisiana, it was made a question, whether the as it respects the inclusion therein of power to permit or Constitution had conferred on the Executive Department of the Government of the United States power to acquire

foreign territory by a treaty. entertained concerning the existence of this power. But that there was then a settled opinion in the executive and the powers conferred on Congress by the Constitution insertion of power to dispose of the unappropriated lands of the United States, and to institute temporary governthe United States, and to institute temporary governthe United States, and to institute temporary governthe unappropriated lands to support the Constitution; and whatever doubts may that the ordinance of the United States, in Congress
of the United States, and to institute temporary governthe unappropriated lands to support the Constitution; and whatever doubts may that the ordinance of the United States, in Congress
of the United States, and to institute temporary govern-

That Congress has some power to institute temporary governments over the territory, I believe all agree; and, if it be admitted, that the necessity of some power to that the Constitution was framed, while at the same time it is admitted that the Constitution contemplated and authorized the

gress shall have power to make all needful rules and regulations respecting those tracts of country, out of the limits

I consider the passage of this law to have lations respecting those tracts of country, out of the limit of the several States, which the United States have It has been urged that the words "rules and regula

claim, and fully justified by the result, was entertained that these cessions would be made. The ordinance of 1787 in its terms, a grossly inadequate provision; and that an admade provision for the temporary government of so much of the territory actually ceded as lay north-west of the river Ohio.

But it must have been apparent, both to the framers of the Constitution and the people of the several States who were to act upon it, that the government thus provided for could not continue unless the Constitution and several states.

In the argument at the bar, great attention has been who were to act upon it, that the government thus provided for could not continue unless the Constitution and the people of the several States who were to act upon it, that the government thus provided for could not continue unless the Constitution and the people of the several States are constituted to the Congress—that it is, therefore, necessarily, a grant of the Congress passed an act accepting a deed of cession of the territory and that an of power to legislate—and, certainly, rules and regulations respecting a particular subject, made by the legislative power of a country, can be nothing but laws. Nor do the particular terms employed, in my judgment, tend, in any degree, to restrict this legislative power. Power of a country, can be nothing but laws. Nor do the particular terms employed, in my judgment, tend, in the inhabitants of the territory, was passed silently by, and left to be deduced from the necessity of the case.

In the argument at the bar, great attention has been granted to a legislature to make all needful rules and regulations of the Congress passed an act accepting a first Congress passed an act accepting and the territory and the territory and the power of a country, can be nothing but laws. Nor do the particular subject, made by North Carolina of the territory has passed in act accepting a

needful laws respecting it.

The word regulate, or regulation, is several times used

It is unnecessary to describe the body of legislation which has been enacted under this grant of power; its variety and extent are well known. But it may be mentioned, in passing, that under this power to regulate com merce, Congress has enacted a great system of municipal

*It was published in a newspaper at Philadelphia, in May, and a copy of it was sent by R. H. Lee to Gen. Washington, on the 15th of July. See p. 282 Cor, of Am. Rev., vol. 4, p. 174 and Writings of Washington, vol. 9.

itution of the United States was framed and adopted, e allowance and the prohibition of negro slavery were ognised subjects of municipal legislation; and the only or did not then belong to the United States; and const quently to know, whether it was within or without the authority conferred by this clause to dispose of and make rules and regulations respecting the territory—the ordinance of rules and regulations respecting the territory—the ordinance of a prohibition of slavery. The purpose and object of the rules and regulations respecting the territory—the ordinance of a prohibition of slavery. The purpose and object of the rules and regulations respecting the territory—the ordinance of clause being to enable Congress to provide a body of States. This attributes to the eminent men who acted on the prohibition of slavery comes within the this subject a want of ability and forecast, or a want of allowance or the prohibition of slavery comes within the Keeping these facts in view, it may confidently be attention to the known facts, upon which they were acting, known and recognised scope of that purpose and object.

But it is also insisted that provisions of the Constitution to the bar, or has been seen by me, which imposes any

ment to acquire foreign territory, and consequently has the adoption of the Constitution, and continued by remade no provision for its government when acquired; or, peated instances through a long series of years, may that though the aquisition of foreign territory was conthe judicial mind on a question of the interpretation of the Constitution. Stuart vs. Laird, 1 Cranch, 269 rules and regulations respecting territory belonging to the United States, were not designed to be applicable to territory acquired from foreign nations.

Martin vs. Hunter, 1 Whea., 304; Cobens vs. Virginia. 6 Whea., 264; Prigg vs. Pennsylvania, 16 Pet., 621; Cooley vs. Port Wardens, 12 How., 315.

In this view I proceed briefly to examine the practical

prohibit slavery in the territories.

It has already been stated that after the Government oreign territory by a treaty.

There is evidence that very grave doubts were then tion, the temporary government of the territory northwest of the river Ohio could no longer exist, save under legislative branches of the government that this power did not exist, cannot be admitted, without at the same exercised therein could be derived only from the people of time imputing to those who negotiated and ratified the United States under the Constitution. And, accordthe United States under the Constitution. And, accordingly, an act was passed on the 7th day of August, 1789 a needful regulation. The question here is whether they vs. Lydia, 2 Marsh, 12, 470, the Supreme Constitution of the constitution of the state of the range of territorial laws." assembled, for the government of the territory north-west of the river Ohio, may continue to have full effect, it is adapt the same to the present Constitution of the United States." It then provides for the appointment by the President of all officers who, by force of the ordinance, ment, and the magnitude and complexity of the interests See also I Burge Col. and For. Laws, 738-741, where were to have been appointed by the Congress of the Con federation, and their commission, in the manner required by the Constitution; and empowers the secretary of the territory to exercise the powers of the Governor in case

It does not appear to me to be important, in this con-nection, that that clause in the ordinance which prohibited Legislatures of the States concerned, as well as of Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory of the United States in the United States and their posterity were to continue, indefinitely. To take one of its provisions, the language of and nothing in this Constitution shall be so construed as and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or any particular State."

There was to be established by the Constitution a compact. The Congress of a series of the Confederation obtains, in place of a republican government with limited on the subject; and after what had been so recently said and defined powers, we have a government which is merely of the government, and embrace all territory belonging to the United States or any particular State."

There was to be established by the Constitution a slavery was one of a series of articles of what is therein frame of government, under which the people of the Confederation obtains, in place of a republican government with limited obtains, in place of a republican government which is merely to the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the subject; and after what had been so recently said on the sub what was denominated in the ordinance a compact between "the original States and the people and States in the new territory"; there being no new States then in existence in the territory with whom a compact could be made, and the few scattered inhabitants, unorganized into a political body, not being capable of becoming a party to a treaty, even if the Congress of the Confederation had had power to make one touching the government of

> of the several States, which the United States have acquired, or may hereafter acquire, by cessions, as well of the jurisdiction as of the soil, so far as the soil may be the property of the party making the cession, at the time of making it. could be prohibited only by an exertion of the power of the United States, under the Constitution; no other the United States, under the Constitution; no other power being capable of operating within that territory like of the Constitution took effect.
>
> By the eighth section of the first article, Congress has

after the Constitution took effect.
On the 2d of April, 1790 (1 Stats. at Large, 106), the first Congress passed an act accepting a deed of cession by North Carolina of that territory afterwards erected

in an act of Congress of the present session, entitled, 'An Act to accept a cession of the claims of the State of North Carolina to a certain district of western territory.''

Under the government thus established, slavery existed until the territory became the State of Tennessee.

On the 7th of April 1798 (1 Stats. at Large 649), an on the 7th of April 1798 (1 State at Large 649), an act was passed to establish a government in the Mississippi territory in all respects like that exercised in the territory north-west of the Ohio, "excepting and excluding the last article of the ordinance made for the government thereof by the late Congress on the 13th day of July, 1787." When the limits of this territory had been micably settled with Georgia, and the latter ceded all its claim thereto, it was one stipulation in the compact of cession that the ordinance of July 13th, 1787, "shall in all its parts extend to the territory contained in the present act of cession, that article only excepted which forbids slavery." The Government of this territory was subsequently established and organized under the act of May 10th, 1800; but so much of the ordinance as pro-

It must be remembered also, as has been already would exist fer an authority to dispose of and make all But it is insisted that whatever other powers Congress vernment of Louisiana; the act of March 2d, 1805 (2 upon every subject of commerce to which the legislative stated, that not only was there a confident expectation entertained by the other States that North Carolina and Georgia would complete the plan already so far executed by New York, Virginia, Massachusetts, Connecticut, and South Carolina, but that the opinion was in no small degree prevalent that the just title to this "back country," as it was termed, had vested in the United States of an authority to dispose of and make all needful regulations respecting this territory, when ceded, states at Large, discretion may apply it, upon what grounds can I say that the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have been felt by the framers of the Constitution of the Territory of the United States is subject to make all needful rules and regulations respecting the territory which the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have been felt by the framers of the Constitution of the Territory of the United States, the act of March 2d, 1805 (2 Stats, at Large, 322), for the government of the Territory of of Cleans; the act of March 2d, 1805 (2 Stats, at Large, 322), for the government of the Territory of the United States, as a subject to may apply it, upon what grounds can I say that the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have been felt by the framers of the Constitution of the United States is subject to may apply it, upon what grounds can I say that the subject of negro slavery forms an exception.

The Constitution declares that Large, 322, for the government of the Territory; the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have been felt by the framers of the Constitution of the United States is subject to may apply it, upon what grounds can I say that the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have been felt by the framers of the Constitution of the United States, oes not mean all—though it says all, without qualification, it means all except such as allow or prohibit slavery.

cannot be doubted that it is incumbent on those who and six distinct instances in which Congress organized

by them through a long series of acts of the gravest importance, be entitled to weight in the judicial mind on a question of construction, it would seem to be difficult to looked only to the purposes of the argument, the source

aken of the power of Congress respecting slavery in the also that the kind of government which shall thus exist

One is that, though Congress can make a prohibiting slavery in a Territory, they cannot make a regulation allowing it; another is that it can neither be established nor prohibited by Congress; but that the There is nothing in the context which qualifies the grant of power. The regulations must be "respecting the territory." An enactment that slavery may or may not exist there is a regulation respecting the territory. Regulations must be a respecting the territory. Regulation respecting the territory respecting the territory respecting the territory. Regulation respecting the territory respecting the territory. Regulation respecting the territory respecting the territory respecting the territory respecting the territory respecting the territory.

> referred to at the bar in support of either of these views. The first seems to be rested upon general considerations concerning the social and moral evils of slavery, its rela-The second is drawn from considerations equal general, concerning the right of self-government, and the nature of the political institutions which have been

> established by the people of the United States. While the third is said to rest upon the equal right of all citizens to go with their property upon the public do-main, and the inequality of a regulation which would admit the property of some and exclude the property of other citizens; and, inasmuch as slaves are chiefly held b citizens of those particular States where slavery is established, it is insisted that a regulation excluding slavery from a Territory operates, practically, to make an unjudiscrimination between citizens of different States

United States. INTERPRETATION OF THE CONSTITUTION With the weight of either of these considerations, whe resented to Congress to influence its action, this Court has no concern. One or the other may be justly entitled are sufficient to authorize this Court to insert into this clause of the Constitution an exception of the exclusion or allowance of slavery, not found therein, nor in any other part of that instrument. To increft an arrange of territorial laws." In Rankin vs. Lydia, 2 Marsh, 12, 470, the Supreme Court of Appeals of Kentucky said, "Slavery is sanctioned by the laws of this State, and the right to hold them under our municipal regulations is unquestionable. involved in its construction. To allow this to be done with the authorities are collected. the Constitution, upon reasons purely political, renders its judicial interpretation impossible. Because judicial tribunals, as such, cannot decide upon political consideraof the death or necessary absence of the latter.

Here is an explicit declaration of the will of the first Congress, of which fourteen members, including Mr.

Madison, had been members of the Convention which men at different times. And when a strict interpretation men at different times. And when a strict interpretation men at different times. And when a strict interpretation men at different times. tions. Political reasons have not the requisite certainty framed the Constitution, that the Ordinance, one article of the Constitution, according to the fixed rules which prohibited slavery, "should continue to have full govern the interpretation of laws, is abandoned and the under the government of individual men who,

> itself that when it confers on Congress the power to make all needful rules and regulations respecting the territory belonging to the United States, the exclusion or the allowance of slavery was excepted, or if anything in the history of this provision tends to show that such an excep-tion was intended by those who framed and adopted the Constitution to be introduced into it, I hold it to be my duty carefully to consider and to allow just weight to su considerations in interpreting the positive text of the Constitution. But where the Constitution has said need ful rules and regulations, I must find something more than theoretical reasoning to induce me to say it did not mean all. There have been eminent instances in this Court, closely analogous to this one, in which such an attempt to

introduce an exception not found in the Constitution

the power of exclusive legislation in all cases whatsoever within this District.

In the case of Loughborough agt. Blake (5 Whea., 324) the question arose whether Congress has power to impose direct taxes on persons and property in this District. It was insisted that, though the grant of power was, in its terms, broad enough to include direct taxation, it must be

regulate commerce with foreign nations. Under this Congress passed an act, on the 22d of December, 1807 unlimited in duration, laying an embargo on all ships and vessels in the ports, or within the limits and jurisdiction of the United States. No law of the United States ever of property, belonging almost exclusively to citizens of a few States, and this indefinitely, was ever supposed to show that it was unconstitutional. Something much more stringent, as a ground of legal judgment, was relied on—that the power to regulate commerce did not include the power to annihilate commerce.

But the decision was that under the power to regulate commerce the newer to annihilate commerce.

wheequently established and organized under the act of May 10th, 1800; but so much of the ordinance as probibited slavery was not put in operation there.

LOSTICATIVE AND EXECUTIVE PRESENDENTS FOR THE LOGISLATIVE AND EXCUTIVE PRESENDENTS FOR THE LOGISLATIVE AND EXECUTIVE PRESENDENTS FOR THE LOGISLATIVE AND EXCUTIVE PRESENDENTS FOR THE LOGISLATIVE

and six distinct instances in which Congress organized ground thus introduce an exception not found in the language of the instrument to exhibit some solid and satistication, and continued, beginning also with the first Congress and objects of the clause, the context, or from other provisions of the Constitution, showing that the other provisions of the Constitution of the const the United States thought insufficient to induce them to limit the power of Congress, because what they have said

contains no such limitation.

of supposed objection to this power of Congress, I desire seist the force of the acts above adverted to.

It appears, however, from what has taken place at the majority of the Court would answer those purposes equally ar, that, notwithstanding the language of the Constitution.

For they admit that Congress has power to organize the constitution of the power of the court would answer those purposes equally well. For they admit that Congress has power to organ ize and govern the Territories until they arrive at a suitable condition for admission to the Union; they admit hould be regulated by the condition and wants of each

> I confess myself unable to perceive any difference whatever between my own opinion of the general extent of the power of Congress and the opinion of the majority of the Court, save that I consider it derivable from the express language of the Constitution, while they hold it to be silently implied from the power to acquire territory. Looking at the power of Congress over the Territories as of the extent just described, what positive prohibition exists in the Constitution which restrained Congress from nacting a law in 1820 to prohibit slavery north of 36

> degress 30 minutes? The only one suggested is that change in the fifth article of the amendments of the Constitution, which declares that no person shall be deprived of his life, liberty, or property, without due process of law. I will now proceed to examine the question whether this clause is entitled to the effect thus attributed to it. It is necessary, first, to have a clear view of the nature and incidents of that particular species of property which is now in question.
>
> Slavery, being contrary to natural right, is created only by municipal law. This is not only plain in itself, and agreed to by all writers on the subject, but is inferable

discrimination between citizens of different States in from the Constitution itself, and has been explicitly de-respect to their use and enjoyment of the territory of the clared by this Court. The Constitution refers to slaves as "persons held to service in one State under the laws thereof." Nothing can more clearly describe a status created by municipal law. In Prigg vs. Pennsylvania, 10 Pet., 611, this Court said, "The State of slavery is deemed to be a mere municipal regulation, founded on municipal regulations is unquestionable. But we view this as a right existing by positive law of municipal character, without foundation in the law of nature, or the un-

The status of slavery is not necessarily always attended with the same powers on the part of the master. The master is subject to the supreme power of the State, whose will controls his action towards his slave, and this control must be defined and regulated by the municipal law. In one State, as at one period of the Roman law, it may put the life of the slave into the hand of the master: others, as those of the United States, which tolerate slavery, may govern the interpretation of laws, is abandoned and the treat the slave as a person when the master takes his other words, the saus of savery cureractively ... Lo dition, from that in which the slave is known to the law imply as a chattel, with no civil rights, to that in which he is recognised as a person for all purposes, save the compulsory power of directing and receiving the fruits of Which of these conditions shall attend the tatus of slavery must depend on the municipal law which reates and upholds it.

And not only must the status of slavery be created and measured by municipal law, but the rights, powers and obligations which grow out of that status must be defined, protected and enforced by such laws. The liability of the master for the torts and crimes of his slave, and of third persons for assaulting, or injuring, or harbouring, or kidnapping him, the forms and modes of emancipation, suits for freedom, the capacity of the slave to be party to a suit, or to to be a witness, with such police regulations as have existed in all civilized States where slavery has been tolerated, are among the subjects upon which municipal legislation becomes necessary when slavery is intro-

Is it conceivable that the Constitution has conferred the right on every citizen to become a resident on the ter-ritory of the United States with his slaves, and there to hold them as such, but has neither made nor provided for any municipal regulations which are essential to the exist-

Is it not more rational to conclude that they who framed and adopted the Constitution were aware that persons held to service under the laws of a State are property only to to the extent and under the conditions fixed by those laws; that they must cease to be available as property when their owners voluntarily place them permaperty when their owners voluntarily place them perma-nently within another jurisdiction, where no municipal laws on the subject of slavery exist; and that, being aware of these principles, and having said nothing to interfere with or displace them, or to compel Congress to legislate in any particular manner on the subject, and having em-powered Congress to make all needful regulations respec-ing the territory of the United States, it was their inten-tion to leave to the discretion of Congress what regulacongress passed the act of May 20th, 1790 (I Stats. at Congress passed the act of May 20th, 1790 (I Stats. at this maxim may be, it is not necessarily of universal tart this provided, "and the Government of the territory south of the Ohio, exceptions of the Ohio, exceptions of the Congress of the Posses of the Posses of the Posses of the Congress of the Congress of the Congress of the Claims of the State of a act of Congress of the Claims of the State of in an act of Congress of the Claims of the State of in the Congress of the Claims of the State of in the Congress of the Claims of the State of in the Congress of the Claims of the State of interpreting that language, held that the exception die interpreting that language, held that the exception die interpreting that language, held that the exception die interpreting slavery which exist one congress power to be congressed in the congress of the Claims of the Claims of the Claims of the Cla to be those laws respecting slavery which existed in the particular State from which the slave last came, what an anomaly is this! Where else can we find, under the law anomaly is this! Where else can we find, under the law of any civilized country, the power to introduce and permanently continue diverse systems of foreign municipal law for holding persons in slavery? I say, not merely to introduce, but permanently to continue these anomalies. For the offspring of the female must be governed by the foreign municipal laws to which the mother was subject; and when any slave is sold, there must pass with him, by a species of subrogation, and as a kind of unknown justing the foreign municipal laws which constituted, regularity in the foreign municipal laws which constituted, regularity. pressed so severely upon particular States. Though the constitutionality of the law was contested with an earnestness and zeal proportioned to the ruinous effects which were felt from it, and though, as Mr. Chief Justice Marshall has said (9 Whea., 192), "no want of acuteness in discovering objections to a measure to which they felt the most deep-rooted hostility will be imputed to those who were arrayed in oppition to to this," I am not aware that the fact that it prohibited the use of a particular species of property belonging almost exclusively to citizens of a now supposed to belong to the maintenance of such a right. now supposed to belong to the maintenance of such a right

cevery political community in American in 1818, when the ordinance prohibiting slavery north and west of the Ohio was passed.

And if a prohibition of slavery in a Territory in 1820 violated this principle of Magna Charta, the ordinance of 1787 also violated it; and what power had, I do not have the Congress of the Confederacy, to consent to such a violation. The people of the States of the Confederacy, to consent to such a violation? The people of the States had conferred no such power. I think I may at least say, if the Congress fid then violate Magna Charta by the ordinance, no one discovered that violation. Besides, if the prohibition and prospected that violation. Besides, if the prohibition are retrieved into a Territory, and a declaration that if brought they shall be free, deprives citizenes of their property without due process of law, what shall be say of the logislation of many of the slaveholding States which have enacted the same prohibition. As early as Octobet, 1778, a law was passed in Virginia that, thereafter no slave should be imported into that Commonwealth by sea or by land; and ported into that Commonwealth by sea or by land; and may lead the slave to Virginia. The slave sued for her freedom and recovered it; as may be seen in Wilson agt. Isabell, 5 Coll's R., 425. See also Hunter agt. Hulsher, I. Leigh, 172; and a similar law has been recognised reasonally in Maryland; in Stewart agt. Oaks, 5 Harr, and John, 107. I am not aware that such laws, though they exist in many States, were ever supposed to be in conflict with the principles of Magna Charta incorported into that the principles of Magna Charta incorported into the United States where they are at free by the Convention which framed the Constitution, and ever since, that, under the presence of the power was restrained till 1808. A citizen of the United States were sever supposed to be in conflict which the lumined that the principles of Magna C

upon the fact that the prohibition of slavery in this Territory was in the words, "that slavery, &c., shall be and is hereby forever prohibited." But the insertion of the word forever can have no legal effect. Every enactment not expressly limited in its duration continues in force until repealed or abrogated by some computers, notes until repealed or abrogated by some competent power, and the use of the word "forever" can give to the law no more durable operation. The argument is, that Congress cannot so legislate as to bind the future States formed out of the Territory, and in this instance it has attempte to do so. Of the political reasons which may have induced the Congress to use these words, and which caused them to expect that subsequent Legislatures would confirm their action to the general opinion of the country that it ought to be permanent, this Court can take no

cognizance.

However fit such considerations are to control the action of Congress, and however reluctant a statesman may be to disturb what has been settled, every law made by Congress may be repealed, and, saving private rights and public rights gained by States, its repeal is subject to the absolute will of the same power which enacted it. If Congress had enacted that the crime of murder, committed in this Indian territory north of 36 deg. 30 min, by or on any white man, should forever be punishable with death, it would seem to me an insufficient objection to an indictment, found while it was a Territory, that at some future day States might exist there, and so the law was invalid, because by its terms it was to continue in force forever. Such an objection rests upon a misapprehension of the province and power of Courts respecting the constitutionality of laws enacted by the Legislature.

If the Constitution prescribe one rule, and the law another and different rule, it is the duty of Courts to declare that the Constitution, and not the law, governs the case before them for judgment. If the law include no case save those for which the Constitution has furnished a different rule on the case which the Legislature has programmed. ferent rule, or no case which the Legislature has power to govern, then the law can have no operation. If it include cases which the Legislature has power to govern, and concerning which the Constitution does not prescribe a different rule, the law governs those cases, though it may, in its terms, attempt to include others, on which it cannot operate. In other words, this Court cannot decannot operate. In other words, this Court cannot declare void an act of Congress which constitutionally embraces some cases, though other cases within its terms are beyond the control of Congress or beyond the reach of that particular law. If, therefore, Congress had power to make a law excluding slavery from this territory while under the exclusive power of the United States, the use of the word "forever" does not invalidate the law so long as Congress has the exclusive legislative power in the

But it is further insisted that the treaty of 1803, beritory was acquired, has so restrained the constitutional north and west of Missouri, and north of 36 deg. 30 min.

north latitude.

By a treaty with a foreign nation, the United States may yet fully stipulate that the Congress will or will not exercise its legislative power in some particular manner, on some particular subject. Such promise, when made, should be voluntarily kept, with the most scrupulous good faith. But that a treaty with a foreign nation can deprive the Congress of any part of the legislative power conferred by the people, so that it no longer can legislate as it was empowered by the Constitution to do, I more than doubt.

The powers of the Government do and must remain un-

The powers of the Government do and must remain unimpaired. The responsibility of the Government to a foreign nation for the exercise of those powers is quite another matter. That responsibility is to be met, and justified to the foreign nation, according to the requirements of the rules of public law, but never upon the assumption that the United States had parted with or restricted any power of extincted states and parted with or restricted any power of acting according to its own free will, governed solely by its own appreciation of it duty. The second section of the fourth article is: "This Constitution and the laws of the United States which shall be made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United

authority, nor declared that laws so enacted shall be like pealable. No supremacy is assigned to treaties over acts of Congress. That they are not perpetual and must be in some way repealable, all will agree.

I desire to refer to some of the positions of the United States unless under the provisions of the Constitution"; this leads us to look for the provision alluded to; but I look leads us to look for the conclusion that if there be a in some way repealable, all will agree.

If the President and the Senate alone possess the power

to repeal or modify a law found in a treaty, inasmuch as they can change or abrogate one treaty only by making another inconsistent with the first, the Government of the United States could not act at all, to that effect, without

respecting the territory in question. Before examining the language of the treaty, it is material to bear in mind that the part of the ceded territory lying north of 36 deg. 30 min., and west of the present State of Missouri, was then a wilderness, uninhabited save by savages, whose possessory title had not then been extinguished.

It is impossible for me to conceive on what ground rance could have advanced a claim, or could have sered to advance a claim, to restrain the United States

The third article is supposed to have a bearing on the nestion. It is as follows: "The inhabitants of its or the inhabitants of its order or it

Besides, whatever rights were secured were individual rights. If Congress should pass any law which violated such rights of any individual, and those rights were of such a character as not to be within the lawful control of Congress under the Constitution, that individual could complete and the act of Congress. of the United States owns slaves in Cuba, and brings them to the United States, where they are set free by the legislation of Congress. Does this legislation deprive him of his property without due process of law? If so, what becomes of the laws prohibiting the slave trade? If not, how can a similar regulation respecting a Territory violate the fifth amendment of the Constitution?

Some reliance was placed by the defendant's counsel upon the fact that the prohibition of slavery in this Territory was in the words, "that slavery, &c., shall be and is hereby forever prohibited." But the insertion of the existed; and, second, that if any did exist, the entire law was void, not only as to those cases, if any, in which it was void not only as to those cases, if any, in which it was void, not only as to those cases, if any, in which it could not rightfully operate, but as to all others, wholly unconnected with the treaty, in which such law could

But it is quite unnecessary, in my opinion, to pursue this enquiry further, because it clearly appears from the language of the article, and it has been decided by this Court,

incorporated into the Union. Peters, 223), the question was, whether a title to property which existed at the date of the treaty, continued to be protected by the treaty after the State of Louisiana was admitted to the Union. The third article of the treaty was relied on. Mr. Chief-Justice Marshall said: "This article obviously contemplates two subjects. One that Louisiana shall be admitted into the Union as soon as Louisiana shall be admitted into the Union as soon as possible, on an equal footing with the other States; and the other, that, till such admission, the inhabitants of the ceded territory shall be protected in the free enjoyment of their liberty, property and religion. Had any of these rights been violated while these stipulations continued in force, the individual supposing himself to be injured might have brought his ease into this Court under the twenty-fifth section of the Judicial Act. But this stipulation fifth section of the Judicial Act. But this stipulation ceased to operate when Louisiana became a member of the Union, and its inhabitants were 'admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States."

The cases of Choteau vs. Margurita, 12 Peters, 507, and Permoli vs. New Orleans, 3 How., 589, are in con-

formity with this view of the treaty.

To convert this temporary stipulation of the treaty in behalf of ceded French subjects, who then inhabited a small portion of Louisiana, into a permanent restriction upon the power of Congress to regulate territory then uninhabited, and to assert that it not only restrains Congress from affecting the rights of property of the ceded inhabitants, but enabled them and all other citizens of the United States to go into any part of the ceded territory with their slaves, and hold them there, is a construction of this treaty so opposed to its natural meaning, and so far beyond its subject-matter and the evident design of the parties, that I cannot assent to it. In my opinion, this treaty has no bearing on the present question.

For these reasons I am of opinion that so much of the several acts of Congress as prohibited slavery and involuntary servitude within that part of the Territory of Wisconsin lying north of 36 deg. 30 min. north latitude, and at lar greater length than I could have wished, upon the different questions on which I have found it necessary to pass to arrive at a judgment on the case at bar. These

be reversed and the cause remanded for a new trial.

DOWNING TEACHING JUDGE TANEY LAW.

Dear Sir: I put it to the honour of Americans, in view of all that the coloured American has had to endure, if history affords an instance of a people who have stood up in virtue and morality, in general character, as has the

Read! fellow-Americans—read the decision of our Su-preme Court. Its Judges seem to have lost sight of all moral obligation—to have forgotton that there is a God,

n vain, and come to the conclusion that if there be a 'citizen of the United States," I am one, though a coloured man; that I am "a natural-born citizen," being one accommoded and so regarded by at least the little State of Thode Island.

sentatives have been in the light of chizenship; by virtue of the same fact that makes me a citizen of the State of Rhode Island, with no other qualification, except as to the number of years that they have been citizens, we seal the argument, and are forced to Judge Story's declaration, who says that "every citizen of a State is ipse facto a citizen of the United States."

to, and at the time of the adoption of the Constitution.

Mr. King, in the Massachusetts Convention to ratify the Constitution (he being one of the members of the Convention which drafted it), said, in reply to a question, "Thai all persons born free were to be considered freemen."

Mr. Wilson, of Pennsylvania, before the Convention of his State, for the ratification of the Constitution (he, like Mr King, being one of the original Convention), speaking of the existence of slavery in some of the States, and of the General Government over it, remarked: "I am sorry that it could be extended no further, but, so far as it operates it presents us with the pleasing prospects that the right of mankind will be acknowledged and established throughout the Union"; you must bear in mind that at that time all parties looked to the early decrease of slavery.

We have official acknowledgment of the fact that there can be coloured "citizens of the United States." I give the following:

"For the Minister, C. B. Davis, Secretary My father-in-law, George de Grasse, of Great Britain, was, in 1804, naturalized Great Britain, was, in 1804, naturalized; part of his papers reads as follows: "Gethereupon, pursuant to the laws of the such cases made and provided, admitted be, and he is accordingly to be, considered United States." John Remond, father of mond, obtained naturalization papers in clarge him to be "a citizen of the United?" Purvis and wife received a passport und Secretary of State, in 1834, certifying a citizens of the United States; the Rev received, March 1836, a passport from

citizens of the United States; the Rev. Peter Wil received, March 1836, a passport from John Foi Secretary of State, declaring him to be a citizen of United States; many more instances might be giv which the United States citizenship of coloured pe has been acknowledged.

It is clearly evident that this Court, at its decision had more regard to the wishes of the South than trights of man, or to the demands of the Constitution to the better interests of the North. What resource

that the stipulation was temporary, and ceased to have any effect when the then inhabitants of the Territory of Louisiana, in whose behalf the stipulation was made, were incorporated into the Urion. to the better interests of the North. What resources ouisiana, in whose behalf the stipulation was made, were accorporated into the Union.

In the case of New Orleans vs. De Armas et al. (9)

Island, let the North be consistent in all its political relations with the coloured men in their midst. This, think, will affect a bloodless victory for right and the country, and attach us even more strongly. Providence, March 12,

National Anti-Slavern Standard.

NEW YORK, SATURDAY, MARCH 28, 1857.

THE PROOF OF THE PUDDING.

In commenting upon the recent decision of the Suprer Court in the Dred Scott case, we referred to the rule of our Southern masters, one never varied from, to test always the obedience of the North, either when she really complains that her burden was greater than she could bear, or when the load laid upon her patient shoulder is so heavy that she might be expected to complain. In language: other and homelier words, the South always proves her pudding according to the proverb. It may be a very good pudding, fair to look upon, round as a ball, unbroken as a globe, smooth as glass, and smoking hot-but the proof, after all, is in the eating thereof; the good maker is not deceived by the outside; a fair seeming does not satisfy her; she must plunge into its depths for the evidence she needs; she eats the pudding, and thus proves it. Do not accuse us of treating a serious matter lightly. Proverbs are epitomes of the wisdom of ages, and sometimes one of these pithy sentences illustrates more completely than columns can do the wisdom of an action

which is universally in accordance with it. The Dred Scott case is decided; the Supreme Court Kane was the first to promulgate, and profess to have had our say about it; the Tribunes have blustered; the Journals have sneered; the Couriers have solemnly argued; one class has thundered in indignant words; another has protested in meek humility; a third has given apprehensive warning of trouble to come; all are moved. It is desirable to know, say the overseers, just what these "niggers" mean; are they moved even to the point of seizing the whip which is laid on their backs? Let us see.

We beg the intelligent reader to consider for five minutes the character of the decision of the Supreme Court; how it ignores all history; how it sets all law at defiance; how it outrages common sense; how it scorns all humane pretences; how it tramples upon the plainest principles of the Christian religion; how it laughs at liberty; how it scoffs at democracy; and how it scouts all Northern pretension to freedom of thought, or freedom of act, or freedom of conscience. And consider then that the March in which all this was done has counted out but little more than half its thirty-one days ere, under the very eyes, and within the reach of the very hands of some hundreds of thousands of grown men, to whose faces all these things have been said, there appeared first in Boston or which shall be made under the authority of the United States, shall be the supreme law of the land."

This has made treaties part of our municipal law; but it has not assigned to them any particular degree of authority, nor declared that laws so enacted shall be irrepealable. No supremacy is assigned to treaties over acts of Congress. That they are not repretent ordered for the control of the Court; it desired to the supreme law of the land."

I desire to have forgotton that there is a God, and that that God has written on the consciences of men that "black men" have rights "which white men are love for years, a respectable, a thrifty, an honourable man—that black men have rights "which white men are for years, a respectable, a thrifty, an honourable man—that black men have rights "which white men are for years, a respectable, a thrifty, an honourable man—that black men have rights "which white men are for years, a respectable, a thrifty, an honourable man—that is the free citizen of a free State, who helped to make Governors and Mayors and other officials, more or less worthy—who paid taxes, and, probably, supported the a slave-hunter, in search of a man who had lived there the free citizen of a free State, who helped to make Governors and Mayors and other officials, more or less worthy-who paid taxes, and, probably, supported the preaching of the Gospel like any other well-to-do and respectable citizen-a man like any other man who goes daily down State street, or on Sundays into the broad aisle of the Rev. Dr. Adams's Church-but who this slaveng one ac- hunter was to take, if he found him, back to the South to

man; that I am "a natural-born citizen," compy one senowledged and so regarded by at least the little State of
United States could not act at all, to that effect, without
the consent of some foreign government. I do not consider—I am not aware it has ever been considered—that
the Constitution has placed our country in this helples
condition. The action of Congress in repealing the
treatise with France by the sect of July 7, 1788 (I Statistreatise with France by the sect of July 7, 1789 (I Statistat Large, 678), was in conformity with these view. In
the case of Taylor et al. agt. Morton (2 Curtis's Cir. Ct.
R. 454), I had occasion to consider this subject, and I
adhere to the views there expressed.

If, therefore, it were admitted that the treaty between
the United States and France did contain an express
atipulation that the United States would not exclude
slavery from so much of the ceded territory as is now in
question, this Court could not declare that an act of
Congress excluding it was void by force of the treaty.
Whether or not a case excitsed sufficient to justify a refusal
to execute such a stipulation would not be a judicial, but
a politicula and legislation, wholly beyond the
authority of this Court to try and determine. It would
belong to diplomacy and legislation, and not to the administration of existing law. Such a stipulation in a
freety, to legislate or not to legislatire power, by whose action
thereon this Court is bound. Poster agt, Nielson, 2

But, in my judgment, this treaty contains no stipulation
in any manner affecting the action of the United States
respecting the territory in question. Heleon, a literal of the contention of

knew too well to go there in the evening-lurking about. loured people congregate. The pair were slave-hunting

If the two poor wretches had been found, does anyhody hink that New York would have raised her hand in anger, or bowed her head in humiliation? Not a bit of it. The listress has just proved, has as many ounces to the

THE HONEST ANTI-SLAVERY GERMANS OF WIRE

United States, and admitted as soon 25 possible, accord-description"; here you will observe that there is a dis-

POLITICS IN PENNSYLVANIA.

THE Founder of Pennsylvania united in his own person the character of Christian, statesman, gentleman and blemish; for the attempts of Macaulay (said to have to be vigilant in "preserving intact the purity and elevaarisen from personal enmity to the religious sect of which tion of the national sentiment in reference to the freedom, Penn was a "bright, particular star") have ended in the In accordance with this beginning was the whole early

gareer of the Commonwealth. The Quakers, together with the early German settlers who were attracted to that readers will remember.

"From a persuasion that equal liberty was originally the portion and is still the birthright of all men, and in-fluenced by the strong ties of humanity and the principles of their institution, your memorialists conceived them-selves bound to use all justifiable endeavours to loosen selves bound to use all justifiable endeavours to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote justice and mercy toward this distressed race, and that you will step to the very verge of the power vested in you, for discouraging every species of traffic in the persons of our fellow-men."

Pending the consideration of this petition Mr Scott as the torthern methodist control is anti-slavery.

Mr. Mathews shows that the Wesleyans in England have not dealt faithfully with their brethren in America, but have, through their deputations, from time to time, strengthened the hands of the pro-slavery party.

"What is an Abolitionist?" is the title of the next article (editorial), in which the writer marks and vindicates the distinctive characteristics of abolitionism as understood and proclaimed by the American Anti-Slavery Society. The writer says:

"We have been accused of partisanship in our advocacy of the anti-slavery cause. We admit the charge. We are partisans. We take our side and stick to it. So is every one who takes up any cause heartily, who makes up his

Pending the consideration of this petition, Mr. Scott, a member of Congress from that State, used the following

"I cannot, for my part, conceive how any person can be said to acquire a property in another; is it by virtue of conquest? What are the rights of conquest? Some have dared to advance this monstrous principle, that the conqueror is absolute master of the conquest; that he may dispose of it as his property, and treat it as he pleases; but enough of those who reduce men to the state of transferable goods, or use them like beasts of burden, who deliver them up as the property of another man! Let us argue on principles countenanced by reason and becoming humanity; the petitioners view the subject in a religious light, but I do not stand in need of religious motives to induce me to reprobate the traffic in human flesh; other induce me to reprobate the traffic in human flesh; other considerations weigh with me to support the commitment of the memorial, and to support every constitutional measure likely to bring about its total abolition."

During the agitation attendant on the effort for farther perfect harmony in this vital measure), to oppose the further extension of slavery over free soil, and the ablest

speech made on the side of liberty during that memorable struggle was delivered by her representative, John

Behold her now. Low adventurers, for the most part, fill her places of honour, whose "statesmanship" consists in the practice of whatever means they deem best calculated to insure their elevation to or continuance in office; and the Presidential chair is for the first time occupied (vol. ii., p. 258, note), makes the matter as clear as daylight.

readers will pardon the comparison—if not elegant, it has the merit, at least of being appropriate the contrary. Blacks, whether born free or in bonds has the merit, at least, of being appropriate)—the whole if born under the jurisdiction and allegiance of the Unit machinery of the State is infested, in every nook and States, are natives, and not aliens. They are what the contrary.

her Constitution which regulates the elective franchise by a self-styled "Reform Convention," and the coloured children of the State have been herded in separate schools ander the charge of teachers, in many instances better qualified as swine-herds than as moulders of mind, though the snobs who lord it over them are frequently copyists so faithful and literal of Southern manners that it is no gian ncommon thing to find that among them, the

Vaccinia nigra leguntur."

But in no other manner is the present degraded and humbled condition of Pennsylvania so dramatically exhibited as in her arrangements for the execution of the Fugitive Slave law. In the famous Independence Hall of that venerable building, the old State House, at Philadel. phia, was signed (as every one knows) the Declaration of Independence, the completion of which ceremony was marked by the ringing of the celebrated Liberty Bell. a meal of spiritual cold victuals. And how is it with the which formerly hung in the belfry, but is now placed on man whom he seeks? The Vigilance Committee, as the a pedestal in this apartment. The rim of the bell (which, pest thing they can do, and notwithstanding the Personal by the way, was used while Pennsylvania was yet a Liberty Law of Massachusetts, hurry him off, as fast as Coleny) bears, in raised letters, the glorious words, "Prosteam can carry him, to where British Law and Lord claim liberty throughout all the land, unto all the inhabi-Palmerston's Government will give him a refuge. If the tants thereof." In the same edifice is the room from slave-hunter had got hold of him, he would have been which the United States Commissioner sends back to taken back to Virginia as sure as there is a monument on hopeless bondage all such fugitives from the slavery vorse than death which "our Southern brethern" impose upon them, as her slave-catching Ingrahams and Browns, together with their understrappers, succeed in scenting and seizing, a fact which should crimson the cheek of every citizen of that State with the glow of indignant

oloured people congregate. The pair were slave-hunting more faithful Abolitionists to be found in the country noment, to test our obedience to the powers that be, and that State, and a few of her journals speak out, now and quantity of dough in this particular pudding, which the glorious Union," by means of which they are brough mistress has just proved, has as many ounces to the down to abject submission at the footstool of her haughty

been an unpleasant occurrence. The teachers say the have no difficulty whatever. In short, I hear no con-

THE ANTI-SLAVERY ADVOCATE.

THE [London] Anti-Slavery Advocate for March open for liberty are not without their deep interest and value where they would most desire to impress them, and, by way of illustration, recalls an incident which many of our

region by a similarity of thought and feeling with the English founders, set the first example of emancipation in the Colonies, and the former, imitating the example of Warner Mifflin, Joseph Gilbert and others, soon made non-slaveholding a condition of membership in the sect. The whole State followed shortly after, and Pennsylvania enjoys the proud honour of being the first of the Colonies to abolish this barbarous institution, having preceded even Massachusetts in that wise and humane measure.

Having abolished slavery, in accordance with the principle of human equality on which her action was founded, she conferred the elective franchise on all her citizens, without distinction of colour, thus acknowledging, by her actions, her fealty to the principle, afterwards explicitly assamed as a national one, that all governments derive their just powers from the consent of the governed."

The petition to the first Congress of the old Pennsylvania Society for the Abolition of Slavery, signed by the President of that Society, Dr. Franklin, concludes with these words:

"Every line of reprehension or of seeming condonation in the Colonies which actuates our British publicists has its corresponding effect of encouragement, and otherwise, in the right or the wrong way, on the part of those brether abroad whose influence is so vast in dispensing the weal or wood unnumbered multitudes of these ways, on the part of those brether abroad whose influence is so vast in dispensing the twent corresponding effect of encouragement, and otherwise, in the right or the wrong way, on the part of those brether abroad whose influence is so vast in dispensing the weal or wood unnumbered multitudes of the human race. It is partly through your assistance and courtesy I have had personal knowledge of this fact. It is now several years since I had the honour of commenting in your columns—so long ago, I think, as the Autumn of 1852—on some similar escapade by an American freedom I drew at the principle, afterwards explicitly as a partly through

The next article is a letter from the Rev. Edward Mathews, exposing, in the light of irrefragable facts, the pretence set up by the Rev. Mr. Jobson, late a delegate from the Methodists of England to those of the United States, that the Northern Methodist Church is anti-slavery.

"We have been accused of partisanship in our advocacy of the anti-slavery cause. We admit the charge. We are partisans. We take our side and stick to it. So is every one who takes up any cause heartily, who makes up his mind as to the best principles and modes of action by which it should be conducted, and acts accordingly. which it should be conducted, and acts accordingly. Every man who adopts and adheres to any kind of religious opinions, who joins any sect or party, is a 'partisan,' and his conduct and opinions will be more or less coloured by the character and course of the body to which he adheres. Being liable to mortal weakness, we are, of course, subject to the tendency of all men to magnify and over-estimate the importance of our cause, the dignity of our object, the character of our fellow-labourers. But we do our best to attain to just views in these respects. For

efforts of other opponents of slavery who endeavour to attain the same object in a different way.' We reply that we are partial to the means we consider the best, and During the agitation attendant on the effort for farther ascendency made by the South, and obtained through the passage of the Missouri Compromise, she instructed her way round, when we think we know and can point our readers to a shorter way for the attainment of our some

The remaining articles in this number are copied from American papers, and are well adapted to inform, encourage and invigorate the anti-slavery sentiment of Great Free State men are in the majority in the Territory.

CHANCELLOR KENT AND GENERAL JACKSON.

We have the testimony of both these eminent men in favour of the citizenship of coloured men. Chancellor Kent, in the following passage from his Commentaries by an unscrupulous demagogue from withinlher borders, whose skill in flattering the vanity of the base and ignorant rivals that of Napoleon the Little, who has obtained his present position solely through his servility to the slaveholding Oligarchy, and who, surrounded by his Southern masters and his Northern fellow-doughfaces, will do his best to degrade her below even her present debased and humiliating position.

The whole machinery of the State is infested (our readers will pardon the comparison—if not elevant it. cranny, with pettifogging politicians, desirous of sucking her life-blood, as an old bedstead is infested with vermin, whose offensiveness does not cease even with their destruction.

The word "white" has been inserted in that clause of her Constitution which regulates the elective franchise.

"The privilege of voting, and the legal capacity office, are not essential to the character of a citizen, women are citizens without either; and free people colour may enjoy the one, and may acquire, and hold, a devise, and transmit, by hereditary descent, real and p sonal estates. The better opinion I should think was, it negro or other slaves, born within and under the all giance of the United States, are natural-born subjects, it not citizens. Oitizens, under our Constitution and law means free inhabitants, born within the United States, means free financiants, bord within the United States, naturalized, under the laws of Congress. If a slave, bor in the United States, be manumitted, or otherwise lawfull discharged from bondage, or if a black man be born with the United States, and born free, he becomes thencefor ward a citizen, but under such disabilities as the laws. the States respectively may deem it expedient to prescrib to free persons of colour."

With the jurist agrees the soldier-the soldier, too, to whom Judge Taney owes his place on the Supreme Bench While the immense British force was approaching Louis iana, in 1814, Gen. Jackson learned that among its rank were regiments of coloured men, and he wished to excite the sentiment of loyalty in the bosoms of the coloured people of that State. It was a time of great extremity when the aid of every American who could bear arms was needed. On the 21st of September, 1814, he issued from his Headquarters at Mobile an address "To the Free Coloured Inhabitants of Louisiana," in which he said:

"Through a mistaken policy you have heretofore bee deprived of a participation in the glorious struggle for national rights in which our country is engaged. This shall no longer exist."

"As sons of freedom, you are called upon to defend our most inestimable blessing. As AMERICANS, your country looks with confidence for a valorous support," &c.

In another part of his address, he says to them. "You

on the 18th of December, Gen. Jackson said:

What is it to be a Citizen? Judge Kent says it is

WHAT SHALL BE DONE!

overthrow of this decision of the Supreme Oc Court has made war upon Liberty, it has exter from the General Government, and we must peach that Court or see the work of years a the winds. This is no time for timid counsels must be done, and that immediately—if we rever the Rights of the States, and the Libertham of the Court of the States and the Libertham of the States have been outlawed, while States the states have been outlawed, while States have been outlawed, while States have been outlawed, while States have been outlawed. nonstrous head in every portion of the Union. ooast, that he will yet call the roll of his slaves the shadow of Bunker Hill monument, will realized. The next decision in the Lemmon case able him to do it, with all the powers of the United supporting him in his claim.

"Tame acquiescence in this decision will not only passed the way for greater usurpations, but will render or the Court strikes at the basis of the Republican and Fastitutional, it is foolish to advocate their passage. The Republican party, and all parties, in fact, that merely vocate the restriction of slavery in the Territories, here taken in the rear by the flank movement of enemy, and had their basis of operation destroyed. seen taken in the rear by the flank movement of the memy, and had their basis of operation destroyed. Here forth, the movement in favour of slavery restriction antenable—the only ground which the opposents slavery can occupy is the renovation of the Supra Court and the total abolition of slavery under Federical States.

urisdiction.
"We must have immediate consultation and action, and we must have infinediate consultation and action, so we trust that the many fearless men that composed the Anti-Slavery party of old will be adequate to the task and rise up in their vigour and manhood, so long obsure by temporizing policy."

The Free Democrat will soon be convinced, we hope, that there is no remedy for the outrage it deplores which does not involve the overthrow of the Union and the organiza tion of a free Government.

KANSAS.

THE question whether Kansas shall be admitted as lave or free State is well-nigh settled. This paper, at our readers can bear us witness, has never expressed an doubt upon the subject, and is, therefore, under no necessity sity of any expression of disappointment. Our faith in the courage and the conduct of the South, and the puallanimity of the North, has never, for a moment wavered One party is in earnest and determined, as on a question of life and death, to carry its point. The other had a me ference to gratify, for which it was willing to expend some noney, and hoped, in the end, it would turn out a good investment. What result was to be expected? Whit indeed, was inevitable? "Bleeding Kansas," though attered sincerely and feelingly by thousands of Norther people, was a mere catch-word to the mass. "Kansas slave State," was a real, earnest, living purpose to ever man, woman and child south of Mason and Dixon's line

Gov. Geary, as probably our readers know, has the signed, and is now in Washington. Although he says the ontest on their part is hopeless against the combine orges of the Border Ruffians and the Federal Gover ment. The Free State men have apparently come will ame conclusion. The Free State Convention at Took has resolved to take no part in the ensuing election delegates to the Convention, ordered by the Stringkill Legislature, for the purpose of adopting a State Com tution. Of course, then, the Pro-Slavery party will he it all their own way; will have a most easy work in framing a pro-slavery Constitution; and will only have to ask to be received by a pro-slavery Congress as a slan

SLAVERY OR FREEDOM IN OREGON.—The following of tract from a letter to The Independent, dated Lane County Oregon, Jan. 15th, conveys information that will interest all our readers.

State.

"During the past season Republican associations have been formed in many of the Counties, primary meeting frequently held, demonstrating the existence of a strong though latent, public sentiment," which would have his tively cooperated with the dominant party in 'the State had the late Administration party been defeated. The growth of this feeling, however, was of too tender and delicate a degree to withstand the pressure of defeat, and it is to be feared will now be utterly 'crushed out."

"The real earnest advocates of slavery, not only in the

"The real, earnest advocates of slavery, not only inbstract, but in the actual, and its immediate introdu here, are a far more numerous and influential class is has been commonly supposed, and their capability mischief should not be sneeringly depreciated. So others, not committed to that side of the question, so chance for speculation in the certainty that many then leave Oregon for California, and, in the past farms in the past of farms, improvements and other property must be sola a sacrifice. "A recent number of The Independent contained

statement that there are now 100 slaves in Oregon hink this is not strictly correct, although many color persons are here rendering service, quan slaves under edly; but slaves, or persons claimed to be such, have set at liberty here, under the judgment of our Corone case was related to me, not long since, by Chief-Jus And yet we have some real slaveholders here

galizes it here. It is very uncertain sult of a vote taken to-day in this imission of slavery. An intelligent rmerly a member of the Legislature does and careful observation, told

ollowing statute, recently enacted by the bogus Legis ature of Kansas, is a new plank sawed out of the Den cratic log, to be incorporated at once, of course

shall be deemed guilty of Rebellion and punished as in the last section specified.

SEC. 4. Confinement and hard labour as provided for in is act shall not exceed twenty years.
This act to take effect and be in force from and after its

to the Editors of The National Anti-Slavery Standard. I SEND you "the Address" which was delivered "to the people" of the little Unitarian Church in Washington

Mr. Conway, as you may know, is now settled in charge of the Unitarian Church in Cincinnati, having been dismissed from the Washington Church on account of his preaching for God's poor held in worse than Israelitish

Some of the Washington people have published a pamphlet about him, for what reason, except to show heir own untenable position, I do not know. Mr. C.'s notice of the pamphlet you will find in the last number of The Christian Inquirer. As he makes some allusion to his occurred to me that " the address to the people," which then delivered, may as well be printed as a little link in the history of a Church which our friend tried to make a Christian Church, and did not succeed.

If you agree with me, the Address is at your service for THE STANDARD.

Need I add that I consider the statement of M. D. C. in the last Christian Inquirer as a satisfactory reply to the Washington pamphlet? Faithfully yours,

Philadelphia, March 23, 1857.

Address to the People at Mr. Conway's Ordination in Washington, February 28, 1855.

As, upon this occasion, when our young friend, formally and with accompanying religious services, takes upon himself the office of pastor of this flock-as, naturally enough, he must be deeply impressed with the greatness of the duty which he owes to you, it is but fair that you, my friends, of this Christian society, should be reminded, in all kindness and respect, of the duty which you owe to ful discharge of his duty very seriously depends. Let

the importance to your minister of a cordial reception and a liberal support out of the pulpit. In these respects, I beesence has vanished from among you, all that I have nown of this Society since has only kept fresh and vivid, was, that, few as you might be in number and limited as you might be in means, your minister would never want he animation that comes from being surrounded by intel-

It is in this pulpit that the main duty of your minister to be performed. And here in this place your great which, in his inmost heart, every man admits even when Gardner hath done, should run upon the rock he has—the he repels its application with the utmost violence, and npracticable abstraction. Truth, your minister is bound to preach upon that responsibility to God and his own conscience, for the disregard of which nothing on earth, world-wide popularity, no luxurious ease, no uncounted reach truth in the honest and self-renouncing love of it, aking care neither needlessly to irritate, on the one and, nor meekly to compromise and conciliate, on the

scredly bound, upon the same responsibility, to hear truth speaks with that authority which belongs to every true all men must obey and all men do obey, sooner or later, ven though they rise upon him who is charged with it do but accelerate its recognition, and the aker of truth rises by their means into the martyr of ruth, sealing his commission with his blood, and turning

a very hard duty, even though your minister should speak to be offered to her, if she will take them, that being a impelled by what it well knows is the general sentiment with the tongue of an angel, and it will require the highest not unimportant preliminary to her permanent cure. One considerations of religion and humanity to enable you to is to district the State anew for Senators, and to divide it perform it faithfully. A most difficult duty indeed is this, into Representative districts, thus abandoning the old in these days, to hearken to the truth, and for a reason plan of Town Representation. This would reduce the so obvious that one might as well try to veil the sun or Multitude of our Counsellors considerably-from some exhaust the air as to keep it out of sight. The fact is that four hundred to a hundred and fifty or thereabouts. This Mr. Barnes that the New School branch of the Church will just now is more like May than February-fill-the-dykes, the truth which your minister is bound to declare—the seems to be a rational proposition, on the face of it; but be gradually purged of the sin of slaveholding through the title by which this auspicious month is familiarly central and animating life of the Christian religion, with- I am not sure that the old way is not the more excellent out which it shrivels into nothing, the Golden Rule, the one, after all. The chance of the mere politician is less truth which Jesus preached and for which he suffered now than it would be under the proposed scheme, and in death, the truth which is enforced by every reasonable their very multitude there is more chance of escaping the and generous dictate of our nature, the truth which is to log-rolling which is the vice of our legislation everythe moral world what the law of gravitation is to the where. Another is to exclude from the ballet-box persons material world, the law of simple justice and common humanity unable to read and write, with certain exceptions meant has been and is violated in this land upon a scale the to protect those now in enjoyment of that chief glory of most stupendous, and all the sanctions of formal legisla- the land. The third, which was to require a residence of tion are resorted to, to protect and perpetuate the viola- fourteen years as the qualification of a voter, has been tion, already guarded by the interests, the passions and referred to a Committee in the Senate by a large vote, gerous to property and liberty to discharge those simple grace, which effectually puts it out of its pain forever. offices of humanity which Jesus enjoined in words the This is regarded as a serious blow to Know-Nothingism most emphatic; and the exercise of the most precious and the chief muftis of that sect affirm that it will revive privilege of our social order, freedom of speech, is called the agitation of the foreigner question and make Mr. his whole soul for justice and mercy; and help him to no particular interest in the result. discharge it by your earnest and faithful attention. If it annoys, if it irritates, if it offends you, still, for God's have had an alarm of slave-hunters here. There is every sake and for man's, for your own souls' sake, hear him. reason to believe that this report was entirely correct. lished at the North at all, it can have no other effect than Here he stands to speak the truth which is the Eternal The reasons for believing it I cannot prudently spread to increase the popular dislike to slavery and its clerical word, God help him! "He that hath the word of the Lord, let him speak that word faithfully," and do you listen as faithfully, with open and earnest minds. "What is the chaff to the wheat? saith the Lord." All else is

chaff in comparison with Truth. One thought, my friends, that should move us all to from several distinct and independent quarters. It is confirm the appointment, and Mr. Buchanan has superlisten patiently, candidly and to the uttermost to the believed that the bounds had actually started on the seded him by a Col. Sifford, of Chillicothe, Ohio, who was truth is that the simple injunction, "He that hath ears to scent, when they found that their prey had escaped them, an original Nebraska man, and favoured the nomination hear, let him hear," is, of all things, the one thing which, and had to return with their tails between their legs, of Pierce or Douglas. The original Buchanan men had if faithfully obeyed, will ensure the abolition of all dolorous and malcontent. The man had been ten years wrongs, the vindication of all rights, the kingdom of God away from slavery, but thought that he could not be safe and his righteousness. The advocates of what is just and nearer than Canada. And I think he was quite right. As humane ask only to be heard. All that remains, after a a lover of the Union, you will be pained to hear that Mr. thorough hearing, may be cheerfully left to the enlightened Buchanan has removed our faithful District Attorney, Mr. Sifford can, no doubt, be relied upon for his fidelity

that cause consecrated by the blood of patriots, saints how he announced at the Fancuil Hall Meeting for the whole civilized world groans, being in travail—all that it to issue a Warrant for the arrest of a slave, if no other when your minister pleads for justice and humanity, listen at the time of the examination of the malefactors suspected to him; listen not only with patience, but with fervent of having helped Shadrach out of the fiery furnace—how good-will; and as you listen, you will hear in the voice he helped in the matter of Sims, and how he was omnipo of Truth the voices of your own hearts, the voice of Him tent in that of Burns, we cannot but marvel that the Inwho taught that mercy to the weakest is the best homage gratitude of Republics could have reached such a pitch as that can be paid to the Highest. You will hear the voice gratitude of head. Mr. Woodbury, however, the of God approving and blessing, and calling you to share son of the Judge, is to be relied on for the willingness of in his power and partake of the divine peace and the his spirit; how it will be as to the weakness of his flesh

LITTELL'S LIVING AGE, No. 670, opens with an exceedtains also Part 12 of "The Fortunes of Glencore." The number closes the fifty-second volume.

THE ANTI-SLAVERY CHURCHMAN.—This is the title of a ournal, the second number of which (in part) has been

unworthy alike of its importance and of the spirit of Chri tianity. We hope this new paper may live to rebuke the sin of that Church in lending its support to slavery.

THE KANSAS STRUGGLE OF 1856.—This is the title of pamphlet just published by the American Abolitio Society, 48 Beekman street. It embodies many important nistorical facts, which it employs in support of the peculiar views of that Society as to the relations of the National Government to Slavery.

From our Boston Correspondent.

come off—He rebusteh Mr. Buchanan for his ingratitude to I Hallett—But commendeth him for re-appointing Freeman—H treasonous and concludeth with unpleasant remarks touch Judge Taney and Brigadier Andrews, &c. &c. &c.

Bosron, March 23, 1857. HAVE you seen our Massachusetts Excellency's Procla mation for a Day of Fasting, Humiliation and Prayer It is worth your reading. As a general rule I should no my friends as things either edifying or entertaining. But this one is both. It has stirred up the Clergy of the State as with a long pole, and they growl and even show their has weathered so many storms and managed to trim his

It was thought highly proper that Governor Gardner should proclaim a day of Humiliation, Fasting and virtue of the two last, the people of the State will not be his gubernatorial shins is to be looked for in that part of should regard his advice in this matter as a piece of imand crucify him on the spot; the sooner even, in this case, body in other mea's matters. And as the clerical element cauldron by the ebullition of which his Excellency was brought, by the usual operation of the laws of political

the prejudices of men. Accordingly it has become dan- which is regarded by its friends and enemies as a coup de in question. In this state of things, to hearken with atten- Gardner Governor for another year. This is, indeed, a tion and candour to the appeals of Christian truth is hard dreadful alternative, and it shows a good deal of pluck and dangerous also. Nevertheless, I counsel you, friends on the part of the Republicans to have done anything that and brethren, I charge you, be faithful to the sacred obli should risk its happening. But I rather think the Repubgation which is upon you thus to hearken to the words of licans feel strong enough to have a Governor of their own the Lord Jesus. Fear not that it will peril the prosperity, choosing next year, the rather that it is now plain enough the existence of this Church. What is this Church worth, that they might have had one last year, if they had had or how can it deserve the name, if it will not endure the the courage to make the attempt. The other two amendvoice of Christ and of humanity, pleading within its walls ments will soon be submitted to the people and settled by for "the least of his brethren," bought, sold and hunted? their decision. As I do not think my personal chance of Recognise, clearly and solemnly, not only the right, but an election to the general Court will be increased thereby, the plain Christian duty of your minister to plead with and as I learned to read and write at an early age, I feel

You have seen in the world's papers, no doubt, that we before you, on account of your large circulation in the defenders. Southern States, and the insight it might give the slavecatchers into the mysteries of the Vigilance Committee and the secrets of the Underground Railway. It is enough | Smith, taken from the General Post-Office at Washington to say that the evidence of slave-catching intent came but formerly of this city. The Senate, however, did not intelligence and the awakened conscience of the land. All Benjamin F. Hallett, from his office. When we remember that the sacred and world-renowned cause of Humanity how earnest and thorough he has been in his vocation--that cause for the triumph of which the Ratification of the Fugitive Slave Law that he was ready will probably be no change of the present incumbent.

lime alone can show. the man who builded the platform which Mr. Buchanan declared was himself and he it—so that it is a clear instance of almost particidal ingratitude. Slavery, how ingly interesting Narrative of Dr. Livingstone's Discove- more shocking to every good mind inasmuch as he was ath Africa, filling over twenty pages. It con- the man who builded the platform which Mr. Buchanan declared was himself and he it—so that it is a clear in-

ever, bath not left berself without witness in this city and witness that no man can gainsay; for Marshal Free Boston Post. I had not hoped that the infamy which justly GENTLEMEN: Other cities and towns may have Mayor experience of the Burns Kidnapping. A concurrent vote of both Houses is necessary, and the Senate have already elected Andrews, because he is next in the line of promo tion. I trust the House will stand to its guns, so that a hireling of the United States shall not have the power of ordering us to stand to ours in the great behalf of negro eatching. And this, even if we should go general-less for a whole twelvemonth. From our Cincinnati Correspondent.

he late Decision of the Supreme Court—Opinions of the Press—It effects upon the Anti-Slavery cause—The Agitation in the Churc—Home Mission Board and General Assembly—Mr. Barnes and D. Ross—U. S. Marshal in Southern Ohio. CINCINNATI, March 18, 1857.

THE recent decision of the Supreme Court of the United States in the Dred Scott case is just now the most important topic of discussion here. The Press, in this section of the country, with the exception of that portion of in the interest of the Slave Democracy, condemn it as upon the principles of freedom, and how subservient the ment of Judge McLean, every one of the Justices has been subserviency of this tribunal to the interests of slavery but the party leaders either denied it or treated it with indifference, until it has become so apparent that no one can be deceived.

The organs of the party in power, indeed, profess t regard this decision as a final settlement of the points in dispute. The Daily Enquirer, of this city, eulogizes the decision as "a final and wise determination of this vexe tious question," and the Judges as having handled th other legal decision taking ultra pro-slavery ground is at can carry no moral influence with it. It gives up everything to the Slave Power, and is too palpably sectional

"how our Church can, with any propriety, object to the the moral influence exerted by the repeated testimonies known. of the Church upon the subject. The Church, it thinks, ecoming more general every day, among observant men, its sentiments upon this subject are of a very weak non-more than to Plymouth Rock or Bunker Hill. commital type. It "repudiates the false extremes that would exalt slavery as a blessing or denounce it as involving essential sin." It is anxious not to drive off the South, and is opposed to taking any measures to enforce the growing and progressive anti-slavery sentiment of the Church, which cannot much longer be deceived.

In one of the Southern papers, I see a letter of Dr. Ross, of Tennessee, to Rev. Albert Barnes, in reply to Mr. B.'s late work on Slavery and the Church. As usual with Southern writers, it is written in bad style and bad temper. In this respect it is in striking contrast with Mr. Barnes's writings. Dr. Ross comes out boldly in defence of slavery and denial of the doctrines of the Declaration of Independence on the natural equality of man. If re-pub-

District of Ohio has been held for some months by a Mr. awarded this appointment to Col. Frank Linch, of this city, and why he did not get it is not known, as he was a under the control of Judges McLean and Leavitt, there

There was another emancipation case before our Probate Court last week. Four women, with their children, making 18 or 20 persons in all, were set free by Mrs. Parker, of Newport, Ky.

Rev. John G. Fee has been preaching for some days at Newport, Ky., and applying the Gospel doctrine of the 'Law of Love" to the duties of the people relative to the great sin of the nation. He has been heard with re-

spectful attention. Yours.

From our Dublin Correspondent.

DUBLIN, Feb. 27, 1857.

ors of The National Anti-Slavery Standard. if he do not take also a garment to his mother, his sister, his daughters and each of his favourite nieces. Well, manufacturer of gorgeous, splendid, and beautiful fabrics, grand enough for an Empress, but he is a self-made man, a real worthy, with a heart as big as a haystack, and is a generous, right good fellow. Every one has a good word

as my birth-day, but it was also the day when the Lord Mayor gave his feast; and although covers were laid for 600 guests, you may imagine my mortification when I tell you that I was not even invited. However, it is possible that there might not have been room, or the dinner might have been cold, or I might have been placed at one of the side tables and not in my proper place among the guests myself with a scrap of classic consolation, and say, how than your valued correspondent.

But you may ask why I dwell so much on the Lord Mayors of Dublin in general, and this present one in parspeech which charmed me exceedingly), I will tell you-Amongst the guests, beside the illustrious Whately, Archtremendous slaughter he made of the Sikhs, marquises, viscounts, bishops, judges, baronets, generals, knights, aldermen, and common councilmen to no end, there was some years since, in your free and enlightened country, under the style and title of Lord Morpeth. And the Lord chosen by an Administration devoted to slavery, and have been men of Southern birth and education, or Northern tistical returns, of which I will give you the cream. As were 1864 sentenced to penal servitude or transportation all likely to quiet the anti-slavery agitation or bring the I hear no other accounts but that the progress of Ireland

pertinence, pure and simple, and look upon him as a busytion by compromise will be as hopeless. We have been considered patriotic for an American to utter. I the subject, distasteful, indeed, to a few ultra men, but is bad for a nation as well as an individual to have an the grim cross on which he expires into a sacred symbol, the grim cross on which he expires into a sacred symbol, the first interest have a great blunder on his part to the top, it was a great blunder on his part to the authority of God. There is nothing higher, nothing so high as that. By the grace of God, that rest tion to it be never so mighty and so obstinate.

Your great duty, then, in this place, is the will alway of improving duty, and at first sight very easy, hardly anything leaster than to sit quietly and listen; but, in reality, it is a convey hardly duty, even though your minister should speak. meeting the concurrence of moderate men of all parties. overweening opinion of its own enlightenment, strength, respecting all other countries as well as its own, and of the Church in the West, approves the action of the which, where read, might serve to correct the prevalent Board as "in strict accordance with the spirit of the reso- Chinese idea which is also so common in the United lutions of the General assembly of 1850," and cannot see States, that yours alone is the Flowery Land. By the way, we have lovely weather just now, and the crocuses. action of the Society." The Herald is not so sanguine as snowdrops and wall-flowers are beautiful. Our climate

I am greatly obliged to Rev. Dr. Bellows and Hon. Henry Wilson for the clear and convincing reasons they drawal of the Southern Presbyteries, and this opinion is have given me against the mad project of Garrison and his crew. The country is big, and the bigger the better, both North and South. Mr. Barnes means well; but his and the larger the more you are bound to it by the bonds mild remedies for a mighty evil are not suited to the of patriotic affection; and if the South are not as they one of the editors of the American Presbyterian, which was becomes so, and her merits are great, and it is treason to established at Philadelphia, it was understood, in conse- doubt them. I thought the arguments of the Doctor more quence of the intense pro-slaveryism of the Christian Ob- airy than substantial; and as to the Massachusetts Senaerver, and was expected to be anti-slavery in its tone. tor, his ideas occurred to me, as soon as I read them, as But, from a late editorial in that paper, it appears that dictated by a looking towards the White House much

Yours ever, RICHARD D. WEBB.

Summary.

Mrs. Lydia A. Jenkins, wife of a Universalist clergy an at Port Byron, N.Y., has commenced preaching to goo

Mr. Badger of North Carolina, whose distinction as awyer entitles his judgment to more than ordinary value, said, at the conclusion of Judge Curtis's opinion, that it was the most clear, compact and conclusive piece of judicial reasoning, from first to last, that he had ever heard or read.

George W. Johnson, one of the largest sugar planters of the Mississippi, below New Orleans, who died recently, left in estate valued at not less than \$7,000,000. He has by his will manumitted all his slaves, 1,200 in number. They are all to be sent to Liberia, in four years from his death, and each one is to be furnished with \$50. APPOINTMENT BY THE GOVERNOR .- Wm. M. Evarts sq., has been appointed by the Governor, in the place of the Hoffman (deceased), associate counsel to represent the late of New York in the Lemmon slave case, pending in our preme Court, and now become of increased importance in a sequence of the decision in the Dred Scott case.

THE DEATH PENALTY IN RHODE ISLAND.—The Senate

BORDER RUFFIAN BLASPHEMY .- A beautiful exempli-

God thundered that negroes should be sizves from Smai' unt! Good morals declares it right! Good science de res it right! Good society declares it right! And when r interests agree with these, the argument is unanswerable! THE PRICES OF SLAVES RISING IN SOUTH CAROLINA.

PHYSICAL EDUCATION.—We heard with real pleasure Physical Education.—We heard with real pleasure of the extensive interest in the subject of physical education in the Queen City, and the large classes of young girls under the discipline of our excellent friend, Dr. J. C. Christin, in this department. If anything can restore good health to puny, pining, pale Young America, it is a better physical training. What we need is not hoops to vear, but hoops to trundle; not belles, but damb bells; not druggists' shops, but calistheniums and gymnasiums. It is one of the hopeful signs of the times that in every part of our country parents are awaking to the full importance of the systematic and persevering education of the bodies and senses of their children, as well as their minds and souls. Let our teachers and professors imbibe the great reform. Let Cambridge and New Haven lead off a new era of human culture.—Christian Inquirer.

From Havana.—A letter from Havana to the N. O.

FROM HAVANA .- A letter from Havana to the N. O. From Havana.—A letter from Havana to the N. O.
Picayune, dated the 7th inst., says: "The slave trade is quite
active now, and vessels are almost daily despatched to the coast
of Africa. The brig Miller, formerly of your city, sailed bence
on the 4th. She cleared in this Custom-house for Montevideo,
but everybody saw her slave-deck when she was being fitted
up in Regla. We hear of landings all along the coast, and the
fact is so notorious that every one begins to believe that certain parties, high in office, not excluding foreigners, have lent
themselves to the scheme, and are in actual possession of nice
sums for their complaisance. Brig. Lerrano, Governor of
Trinidad, is reported to have realized over \$200,000 within the
last three months, for which he has been removed from office
by Gen. Concha. He is a native of the town of Puerto Principe, and one of the few Cubans who have been able to get an
important office in their own country. Though much criticised
by all parties, he is no more guilty than his companions."

by all parties, he is no more guilty than his companions."

WASHINGTON.—A singular statement has been made by the papers of Mr. Channing's having received an "influential" call to the Capital. On sifting the matter down, it appears that Rev. Mr. Conway has urged Mr. Channing very earnestly to return to the scene of his former labour at Washington; we hope that the old society there will heartily second the appeal. Besides the attraction of his name, Mr. Channing has peculiar qualifications for this important post. In addition to a vestal purity of character and an unequalled spirituality of thought, he has unusual extemporaneous gifts, a captivating address, a most conciliating spirit, and an exceedingly fervent heart. We expect that he will resume the ministry there in the Autumn, with the hearty sympathies of all true friends of Liberal Christianity and comprehensive philanthropy.—H.—

Christian Inquirer.

GAMBLING AT GREAT SALT LAKE.—They have it

shuffling them with the smartest rogue on God's foo

citizenship.—Boston Attas.

Dr. Kane has strayed away off in Allegany. He has become the property of James McArthur, timber dealer in Oramel. The recently intense cold weather has kept this large, black, shaggy animal in high spirits. When they take him into the forest among the timber-hewers, where he can do no harm, and remove his muzzle, he cuts all sorts of pranks, seeking the deepest drifts, and actually burying himself for delight; you can see the dry snow move, but no resemblance of a dog, till on a sudden out he pops, giving his hairy fleece a tremendous shake, and away he runs for another dive. Mr. McArthur calls him "Eski-mo" (Esquimaux), not a very smooth name, but characteristic. To look "Esk" fair in the face, you see almost the likeness of a black bear, though his eyes are rather languid. likiness of a black bear, though his eyes are rather languid. His long, soft, shaggy covering is nearly equal in bulk to his body. When left to run at large in the village, he wears a muzzle to prevent his destroying the pigs and chickens.—

Newark Daily Advertiser, March 3.

EMIGRATION TO IMBERIA.—Senator Brooks desires to reduce our coloured population, and to that end has introduced a bill which provides that a sum of money not exceeding \$5,000 per annum shall be appropriated and paid upon the following conditions: There shall be appointed by the Governor a Commissioner, whose services shall be given without compensation, whose official title shall be, the "Agent for Liberia Emigration." It shall be his duty to receive applications from any free coloured residents of this State, for aid in emigrating to Liberia, and, in a book provided for that purpose, to keep a record of the names, ages, places of residence and occupation of all applicants, including date of application, embarkation, &c.; and if, upon inquiry, the applicant is found of good moral character, said agent shall, as soon as convenient, secure for such applicant a passage in any suitable vessel to sail from the United States to Liberia, and make such other provisions as shall seem most needful, provided that for passage, support and outfit, for each person so emigrating, the total expense shall not exceed sixty dollars. EMIGRATION TO LIBERIA.—Senator Brooks desires to

of the Puritan Recorder thus refers to the retiring President and his successor:

"Gen. Pierce retires amid many compliments from the sittens of Weeklington.

MR. DALLAS COMMITTED. - A letter from Engla

ne, and earnestly desire them a great success in pur e taste for Church Music. When our Broad Church

being different, they can claim none of the rights or privileges belonging to a citizen; they can neither vete, hold office, or occupy any other position in society than an inferior and sub-producte one—the only one for which they are fitted, the only one for which they have the natural qualifications which entitle them to enjoy or possess."

Rev. Dr. Ross—A Question.—We find in the last New Englander, in an article attributed to Dr. Bacon, the following reference to that somewhat noted or at least notorious champion of slavery in the New School Presbyterian Church, Rev. Dr. Ross:

"Our own confident impression is, that the question of negro emancipation, or the question of mulatto emancipation, or the question of the emancipation of quadroon emancipation, or the question of the emancipation of persons as nearly Anglo-Saxon as that eminent defender of slavery on the floor of the (N. S.) Presbyterian Assembly, the Rev. Dr. Ross—in the southern "States"—has never been agitated in Congress since the time when a petition was presented to the First Congress, bearing the signature of Benjamin Franklin as President of the Pennsylvania Abolition Society."

We have often before heard intimations and direct statements that Dr. Ross had African blood in his veins, and we have even been told that he was at one time in no, little fear for his personal safety on that account. The fact itself, if it be a fact, is no disgrace; but that a man so allied to the oppressed race, and who might so easily have been himself a slave, should have placed himself among the foremost defenders of slavery, is an outrage upon decency. Can any one give the public reliable information upon this subject? If Dr. Ross be, according to southern law, a coloured man, let him meet the inquiry, when he comes to the General Assembly, why he joins hands with the oppressors of his kindred.—Chicago Cong. Herald.

Young Men's Christman Association.—The following letter synlains itself:

round men's Christian Association.—The following letter explains itself:

Providence, March 2, 1857.

Dear Sir: I suppose that the constitution of a society may fairly be interpreted by the unquestioned and continued practice under it.

I learn by your letter that various topics of common public interest, not certainly bearing directly upon "the promotion of evangelical religion," have been discussed, without offence, at your meetings, and the opinion of the Society has been freely expressed concerning them. If such has been the practice of the Association, I can see no reason for the prohibition of the discussion of slavery. Whether one man has a right to hold another in bondage, or whether I can obtain a right over B for life, and also over his children, by paying money to C, is a general question concerning the rights of humanity, and may as innocently be discussed as any question you have discussed, or as the question of the superiority of a responsible to a despotic form of government. Aside, however, from the direct discussion of slavery, there are other questions connected with it, which it would seem might properly be introduced wherever thing to the Slave Power, and is too palpably sectionsl and partisan to accomplish such a design. On the contrary, it will furnish new texts for the addresses and waitings of Republicans and Abolitionists (the terms are not by any means synonymous), open the eyes of the people to the determined aggressions of the Slave Power, and lead to more persevering efforts and more efficient combinations to resist them.

In the Church, every effort to settle the slavery question by compromise will be as hopeless. We have been to suppose the political again and again that the action of the General Assembly each year was a happy and amigable settlement. intellectual improvement, and of the right to read the Word of God. It seems to me that such questions as these may be as properly discussed as the evils of intemperance, or as many other subjects which have been brought to your notice, without giving any offence. On what ground the discussion of this subject can be prohibited, if treated in a proper manner, I cannot, with high I nosees discover.

Special Actices.

the light I possess, discover.
I am, dear sir, yours truly,

BOS CHARLES LENOX REMOND'S Post-Office address or the present, will be Byberry, Philadelphia County, Pa. LUCY STONE may be addressed, for the present,

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Parents and guardians desirous of finding a pleasant and comfortable home for their children or wards while prosecuting their studies, where they will be removed from the evils and temptations of common society, and from the corrupting power of prevailing wickedness—where they will be nurtured in virtue, humanity and pure religion, will find here an unusually favourable opportunity of realising their wishes.

The next (Summer) Term of this Institution will commence on the Wednesday, April 15, 1857, and continue twelve and a half weeks.

For further information and particulars, see large circulars, to be obtained by addressing either of the Principals, Hopedale, Milford, Mass.

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THE DEAD SECRET.

CHAPTER THE SIXTH. TIMON OF LONDON.

TIMON of Athens retreated from an ungrateful world a cavern by the sea-shore—Timon of London took efuge from his species in a detached house at Bayswater imon of Athens vented his misanthropy in magnificent octry—Timon of London expressed his sentiments in habby prose. Timon of Athens had the honour of eing called "My Lord"—Timon of London was only at the case point of resem essed as "Mr. Treverton." The one point of resence which it is possible to set against these points (rast between the two Timons consisted in this: this santhropy was, at least, genuine. Both were

From his childhood, Andrew Treverton's character has presented those strong distinguishing marks of good and had, jostling and contradicting each other, which the language of the world carelessly expresses and contemptuously sums up in the one word—eccentric. There is probably no better proof of the accuracy of that definition of man which describes him as an imitative animal than is to be found in the fact, that the verdict of humanity is always against any individual member of the species who presumes to differ from the rest. A man is one of a flock, and his wool must be of the general colour. He must drink when the rest drink, and graze where the rest graze. When the others are frightened by a dog, and scamper, starting with the right leg, he must be frightened From his childhood, Andrew Treverton's character I er, starting with the right leg, he must be frightene scamper, starting with the right leg, he must be right leg, also.

If he is not frightened, or even if, being frightened, he scampers and starts out of step with the rest, it is a proof at once that there is something not right about him. Let a man walk at noonday with perfect composure of countenance and decency of gait, with not the slightest appearance of vacancy in his eyes or wildness in his manner, from one end of Oxford street to the other, without his het and let appearance of the thousands of het was right. his hat, and let every one of the thousands of hat-wearing pple whom he passes be asked separately what the nk of him, how many will abstain from deciding in stantly that he is mad, on no other evidence than the evidence of his bare head? Nay, more: let him politely stop each one of those passengers, and let him explain in the plainest form of words, and in the most intelligible manner, that his head feels more easy and comfortable. without a hat than with one, how many of his fellow him will change their opinion when they part from him, after hearing his explanation? In the vast majority of cases, the very explanation itself would be accepted as an excellent additional proof that the intellect of the hatless

excellent additional proof that the intellect of the naties man was indisputably deranged.

Starting at the beginning of the march of life out of step with the rest of the mortal regiment, Andrew Treverton paid the penalty of his irregularity from his earliest days. He was a phenomenon in the nursery, a butt at school, and a victim at college. The ignorant nursemaid reported him as a queer child; the learned school-marker contactly varied the phrase and described him, as master genteelly varied the phrase, and described him as an eccentric boy; the college tutor, harping on the same string, facetiously likened his head to a roof, and said there was slate loose in it. When a slate is loose, if nobody fixes it in time, it ends by falling off. In the roof of a house we view that consequence as a necessary result of neglect; in the roof of a man's head we are generally

very much shocked and surprised by it.

Overlooked in some directions and misdirected in others,
Andrew's uncouth capacities for good tried helplessly to
shape themselves. The better side of his eccentricity took the form of friendship. He became violently and unintelligibly fond of one among his school-fellows—a boy who treated him with no especial consideration in the playground, and who gave him no particular help in the class. Nobody could discover the smallest reason for it, but it was nevertheless a notorious fact that Andrew's pocket-money was always at this boy's service, that Andrew ran about after him like a dog, and that Andrew over and over again took the blame and punishment on his shoulders which ought to have fallen on the shoulders of his friend. When, a few years afterwards, that friend went to college, the lad petitioned to be sent to college too, and attached himself there more closely than ever to the strangely-chosen comrade of his schoolboy days. Such devotion as this must have touched any man possessed of ordinary generosity of disposition. It made no impression whatever on the inherently base nature of Andrew's friend. After three years of intercourse at college—intercourse which was all selfishness on one side and all self-sacrifice on the other—the end came, and the light was let in cruelly on Andrew's eyes. When his purse grew light in his friend's hand, and when his accepes were most numerous on his friend's bills, the brother of his honest affection, the hero of his simple admiration abandoned him to embarrassment, to ridicule, and to solitude, without the faintest affectation of penitence—with out so much, even, as a word of farewell.

He returned to his father's house, a soured man at the outset of life—returned to be upbraided for the debts that he had contracted to serve the man who had heartlessly errand as his master. disgrace, to travel, on a small allowance. The travels were protracted, and they ended, as such travels often do disgrace, to travel, on a small allowance. The travels were protracted, and they ended, as such travels often do in settled expatriation. The life he led, the company he kept, during his long residence abroad, did him permanent and fatal harm. When he at last returned to England, he presented himself in the most hopeless of all characters—the character of a man who believed in nothing. At this period of his life, his one chance for the future lay in the good results which has brother's influence over him might have produced. The two had hardly resumed their intercourse of early days when the quarrel occasioned by Capitain Treverton's marriage broke it off forever. From that time, he met the last remonstances at the word and process, Andrew was a lost man. From that time, he met the last remonstances and purposes, Andrew was a lost man. From that time, he met the last remonstances are made to him by the last friends who thought a solution of the ship when they are placed in the countenance of a man who believed in nothing. At this period of his life, his one chance for the future lay in the good results which has brother's influence over him might have produced. The two had hardly resumed their intercourse of early days when the quarrel occasioned by Capitain Treverton's marriage broke it off forever. From that time, he met the last remonstrances that were made to him by the last friends who thought the same of the sale of his estate; and the doctor had been old cronies, and had met for the produced. The two had hardly resumed their intercourse of early days when the quarrel occasioned by Capitain Treverton's marriage broke it off forever. From that time, he met the last remonstrances are capable of achieving the produced and the doctor had been old cronies, and had never been blacked since the day when the years allowed the produced and the doctor had been old cronies, and had never been blacked since the day when they are placed in the countenance of an man himself in the most hope and the doctor had been old strances that were made to him by the last friends who took any interest in his fortunes, always with the same bitter and hopeless form of reply: "My dearest friend forsook and cheated me," he would say. "My only brother has quarrelled with me for the sake of a play-actress. What are I to expect of the rest of mankind after that? What am I to expect of the rest of mankind, after that? I have suffered twice for my belief in others—I will never suffer a third time. The wise man is the man who does not disturb his heart at its natural occupation of primping blood through his body. I have gathered my experience abroad and at home; and have learnt enough to see through the delusions of life which look like realities to other men's eyes, but which have betrayed themselves years ago to mine. My business in this world is to eat, drink, sleep and die. Everything else is superfluity—and I have done with it."

The few people who ever cared to inquire about him again, after being repulsed by such an avowal as this, heard of him, three or four years after his brother's marriage, in the neighbourhood of Bayswater. Local reports described him as having bought the first cottage he could find, which was cut off from other houses by a wall all round it. It was further rumoured that he was living like a miser, that he had got an old man servent named round it. It was further rumoured that he was living like a miser; that he had got an old man-servant, named Shrowl, who was even a greater enemy to mankind than himself; that he allowed no living soul, not even an occasional charwoman, to enter the house; that he was letting his beard grow, and that he had ordered his servant Shrowl to follow his example. In the year eighteen handred and forty-four, the fact of a man's not shaving was regarded by the enlightened majority of the English nation as a proof of unsoundness of intellect. At the present time, Mr. Treverton's heard would only have intersent time, Mr. Treverton's heard would only have interfered with his reputation for respectability. Thirteen years ago, it was accepted as so much additional evidence in support of the old theory that his intellects were deranged. He was at that very time, as his stockbroker could have testified, one of the sharpest men of business in London; he could argue on the wrong side of any question with an acuteness of sophistry and sarcasm that Doctor Johnson himself might have envied; he kept his household accounts right to a farthing, his manner was never disturbed in the slightest degree from morning to night, his eyes were all quickness and intelligence—but what did these advantages avail him, in the estimation of his neighbours, when he presumed to live on another pla than theirs, and when he wore a hairy certificate of lunac on the lower part of his face? We have advanced little in the matter of partial toleration of beards sine

the meat for the house was bought wholesale of the City talesmen—the master and servant eating as much of it in the fresh state as they could, salting the rest, and setting the fresh state as they could, salting the rest, and setting butchers at defiance. As for drink, neither brewer nor butchers at defiance. As for drink, neither brewer nor butchers at defiance.

thought he wanted a clean shirt, which was very set, he went and washed one for himself. When either he two discovered that any part of the house was getvery dirty indeed, he took a bucket of water and a

cleaning to be done, the two sat down opposite each other and smoked for hours, generally without uttering a word. Whenever they did speak, they quarrelled. Their ordinary dialogue was a species of conversational prize-fight, beginning with a sarcastic affectation of good-will on the same and applied in hearty configuration. either side, and ending in hearty exchanges of violent abuse—just as the boxers go through the feeble formality of shaking hands before they enter on the serious practi-cal business of beating each other's faces out of all likeness to the image of man. Not having so many disadvantages of early refinement and education to contend against as his master, Shrowl generally won the victory in these engagements of the tongue. Indeed, though minally the servant, he was really the ruling spirit be house—acquiring unbounded influence over his mast the house—acquiring unbounded influence over his master by dint of out-marching Mr. Treverton in every direction on his own ground. Shrowl's was the harsheat voice; Shrowl's were the bitterest sayings; and Shrowl's was the longest beard. If any one had accused Mr. Treverton of secretly deferring to his servant's opinions, and secretly fearing his servant's displeasure, he would have repudiated the imputation with the utmost bitterness and wrath. But it was not the less true that Shrowl's was the accused Mr. Treverton of secretly deferring to his servant's opinions, and secretly fearing his servant's displeasure, he would have repudiated the imputation with the utmost bitterness and wrath. But it was not the less true that Shrowl's was the upper hand in the house, and that his decision on any important which his master arrived. The surest of all retributions is the retribution that lies in wait for a man who boasts.

herself might be expected there, Mr. Treverton descended, with his sourcest face and his surliest manner, from the upper regions of the cottage to one of the rooms on the ground floor, which civilized tenants would probably have called the parlour. Like the elder brother, he was a tall, well-built man; but his bony, haggard, sallow face bore not the slightest resemblance to the handsome, open, substitute face of the Captain. No one, seeing them open, sunburnt face of the Captain. No one, seeing them together, could possibly have guessed that they were brothers—so completely did they differ in expression as well as in feature. The heart-aches that he had suffered in youth; the reckless, wandering, dissipated life he that led in manhood; the petulance, the disappointment, and the physical exhaustion of his later days, had so wasted and worn him away that he looked his brother's elder by almost twenty years. twenty years. With unbrushed hair and unwashed face, with a tangled gray beard, and an old patched, dirty flannel dressing gown that hung about him like a sack, this descendant of a wealthy and ancient family looked as if letter again from the table.

descendant of a wealthy and ancient family looked as if his birth-place had been the workhouse and his vocation in life the selling of cast-off clothes.

It was breakfast time with Mr. Treverton—that is to say, it was the time at which he felt hungry enough to think about eating something. In the same position, over the mantle-piece, in which a looking-glass would have been placed in a household of ordinary refinement, there hung in the cottage of Timon of London a side of bacon. On the deal table by the fire stood half a loaf of heavylooking brown bread; in a corner of the room was a barrel of beer, with two battered pewter pots hitched on had mastered all its contents vet—some idea that there

In personal appearance, Shrowl was short, fat, flabby and perfectly baid, except at the back of his head, where a ring of bristly iron-gray hair projected like a collar that had got hitched out of its place. To make amends for the scantiness of his hair, the beard which he had cultiing when they are placed in the countenance of a man.

Any painter wanting to express strength, insolence, ugliness, coarseness and cunning in the face and figure of one and the same individual, could have discovered no better

what a good life he led, and what a wonderful handsome daughter he's left behind him, and what a capital marge she's.

"What do you mean by that?" asked Mr. Treverton, pointing with indignant surprise at Shrowl's breast.

"You ugly brute, you've got a clean shirt on!"

"Thankee, sir, for noticing it," said Shrowl, with a sarcastic affectation of extreme humility. "This is a plean shirt on, when it's my master's birthday. Many happy returns, sir. Perhaps you thought I should not remember that to-day was your birthday? Lord bless your sweet face, I would o't have forgot it on any account. How old are you to-day, sir? Long time ago, sir, since you was a plump smiling little boy, with a frill round your neek, and marbles in your pocket, and trousers and waistcoat all in one, and kisses and presents from Pa and Ma and uncle and anin, on your birthday. Don't you be afraid of me wearing out this shirt by too much washing. I mean to put it away in lavender against your next birthday; or against your funeral, which is just as likely at your time of life—isn't it, sir?" in quired Shrowl, pausing, with an appearance of the greatest interest, in the act of cutting off his slice of bacon.
"I humbly beg pardon, but I always thought you was afraid to do it."

The servant had evidently touched intentionally on one

own sulkily to his breakfast. "I've done joking for to ay; suppose you finish, too. What's the use of talking

"But you can't leave it to nobody," persisted Shrowl.

You must leave it to somebody. You can't help your-"Can't I?" said Mr. Treverton. "I rather think can do what I please with it. I can turn it all into ban notes, if I like, and make a bon-fire with them in the brew-house before I die. I should go out of the world

n, knowing that I had n't left materials behind me for aking it worse than it is—and that would be a precious omfort to me, I can tell you!" Before Shrowl could utter a word of rejoinder, there was a ring at the gate-bell of the cottage.

"Go out," said Mr. Treverton, "and see what that is:

are, and frighten her away. If it's a man-visitor—"
"If it's a man-visitor," interposed Shrowl, "I'll punch
his head for interrupting me at my breakfast."

Mr. Treverton filled and lit his pipe during his servant's absence. Before the tobacco was well a-light, Shrowl

returned, and reported a man-visitor.

"Did you punch his head?" asked Mr. Treverton.

"No," said Shrowl, "I picked up his letter. He poke t under the gate, and went away. Here it is."

The letter was written on foolscap paper, superscribed in a round legal hand. As Mr. Treverton opened it, two slips cut from newspapers dropped out. One fell on the table before which he was sitting; the other fluttered to the floor. This last slip Shrowl picked up, and looked over its contents, without troubling himself to go through

After slowly drawing in and slowly puffing out again and in the house, and that his decision on any important one mouthful of tobacco-smoke, Mr. Treverton began to natter was, sooner or later, certain to be the decision at read the letter. As his eye fell on the first lines, his lips began to work round the mouth-piece of the pipe in a manner that was very unusual with him. The letter was Mr. Treverton was rashly given to boasting of his independence; and when retribution evertook him, it assumed a personal form, and bore the name of Shrowl.

On a certain morning, about three weeks after Mrs.

Frankland had written to the housekeeper at Porthgenna

His lips still continued to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he smalled to work round the mouth-piece of the rise but he was a smalled to the signature—then looked up to the address, and went through it again from the beginning. Frankland had written to the housekeeper at Porthgenna
Tower to mention the period at which her husband and
the piec, but he smoked no more. When he had finishe
the piec, but he smoked no more. When he had finishe the second reading, he set the letter down very gently on the table, looked at his servant with an una

"Shrowl," he said, very quietly, "my brother

occurred on board the ship of which he was captain, then to the ameduring a gale of wind in which the vessel was lost on a she immediately

"I am, sir, your obedient servant,
"ALEXANDER NIXON."

model for the purpose, all the world over, than he might have found in the person of Mr. Shrowl.

Neither master nor servant exchanged a word, or took the smallest notice of each other, on first meeting. Shrowl stood stolidly contemplative, with his hands in his pockets, waiting for his turn at the gridiron. Mr. Treverton finished his cooking, took his bacon to the table, and, cutting himself a crust of bread, began to eat his breakfast. When he had disposed of the first month.

table, and, cutting himself a crust of bread, began to eat his breakfast. When he had disposed of the first mouthful, he condescended to look up at Shrowl, who was at that moment opening his clasp-knife and approaching the side of bacon with slouching steps and sleepily greedy what a good life he led, and what a wonderful handsome eyes.

"What do you mean by that?" asked Mr. Travectors

when I'm on my way to the grave."

"Have you really made your will, at last, sir?" inquired Shrowl, pausing, with an appearance of the greatest interest, in the act of cutting off his slice of bacon.

"I humbly beg pardon, but I always thought you was afraid to do it."

The servant had evidently touched intentionally on one of the master's sore points. Mr. Treverton thumped his crust of bread on the table, and looked up angrily at Shrowl.

"Afraid of making my will, you fool!" said he. "I don't make it, and I won't make it, on principle."

Shrowl was not an easy man to move, but he absolutely changed colour when he heard that unprecedented and uncompromising command. After leading his master, from the first days of their sojourn together in the house, just as he pleased, could he believe his ears when he heard himself suddenly ordered to leave the room?

"Go out!" reiterated Mr. Treverton. "And hold your tongue henceforth and forever, about my brother's daughter. I never have set eyes upon the player-woman's child, and I never will. Hold your tongue—leave me alone—go out!"

"The ever will him for this," thought Shrowl, as he slowly withdrew from the room. When he had closed the door, he listened outside it, and heard Mr. Treverton push aside his chair, and walk up and down, talking to himself. Judging by the confased words that escaped him, Shrowl concluded that his thoughts were still running on the "player-woman" who had set his brother and

The housekeeper at Porthgenna Tower had ju

If it's a woman-visitor, show her what a scarecrow you keeper was led to conclude that Mr. and Mrs. Fr are, and frighten her away. If it's a man-visitor. he house of some friends who were travelling on the con the house of some friends who were travelling on the continent. Here they must have remained for some time, for the new year came and brought no rumours of any change in their place of abode. January and February passed without any news of them. Early in March the steward occasion to go to the post-town. When he returned to Porthgenus, he came back with a new report relating to Mr. and Mrs. Frankland, which excited the hou teeper's interest in an extraordinary degree. In two lifferent quarters, each highly respectable, the steward and heard it facetiously announced that the domestic remarkabilities of himself announced that the domestic remarkabilities are himself and hims ponsibilities of his master and mistress were likely to be necessed by their having a nurse to engage and a crib to buy at the end of the Spring or the beginning of the Summer. In plain English, among the many babies who might be expected to make their appearance in the world in the course of the next three months, there was one who would inherit the name of Frankland, and who (if the infant luckily turned out to be a boy) would cause a senting the many boat West (Leaves by home of Parkland). sation throughout West Cornwall as heir to the Porth-

> In the next month, the month of April, before the ousekeeper and the steward had done discussing their last and most important fragment of news, the postman made his welcome appearance at Porthgenna Tower, and brought another note from Mrs. Frankland. The housereeper's face brightened with unaccustomed pleasure and urprise as she read the first line. The letter announced at the long-deferred visit of her master and mistress to the old house would take place early in May, and that hey might be expected to arrive any day from the first to the tenth of the month. The reasons which had led the owners of Porthgenns

to fix a period, at last, for visiting their country seat were connected with certain particulars into which Mrs. Frankand had not thought it advisable to enter in her letter. The plain facts of the case were, that a little discussion ad arisen between the husband and wife in relation to e next place of residence which they should select, after e return from the continent of the friends whose house by were occupying. Mr. Frankland had very reason-ly suggested returning again to Long Beckley—not because all their oldest friends lived in the neigh-arhood, but also (and circumstances made this an imrtant consideration) because the place had the advanta possessing an excellent resident medical man. Unfo tunately this latter advantage, so far from carrying any weight with it in Mrs. Frankland's estimation, actually prejudiced her mind against the project of going to Long Beckley. She had always, she acknowledged, felt an unreasonable antipathy to the doctor there. He might be looking brown bread; in a corner of the room was a barrel of beer, with two battered pewter pots hitched on to nails in the wall above it; and under the grate lay a smoky old gridiron, left just as it had been thrown down when last used and done with. Mr. Treverton took a greasy clasp-knive out of the pocket of his dressing-grown, cut off a rasher of bacon, jerked the gridiron on to the fire, and began to cook his breakfast. He had just turned the rasher, when the door opened, and Shrowl entered the room, with his pipe in his mouth, bent on the same eating errand as his master.

In pressural appearance, Shrowl was short, fat, flabby very skilful, an extremely polite, and an undeniate tspectable man; but she never had liked him, and nev man of all others who was fittest, on every account, to an of all others who was fittest, on every account, to tend her. In short, Mrs. Frankland was just as strongly ejudiced in favour of employing the Porthgenna doctor she was prejudiced against employing the Long Beck-y doctor; and she ended—as all young married women, ith affectionate husbands, may, and do, end, whenever ey please-by carrying her own point, and having her

On the first of May, the west rooms were all ready for the reception of the master and mistress of the house. The beds were aired, the carpets cleaned, the sofas and chairs uncovered. The housekeeper put on her sating own and her garnet brooch; the maid followed suit, at a repectful distance, in brown merino and a pink ribbon; and the bald old steward, determining not to be outdone by the women, produced a new and becoming auburn wig, ordered expressly for the occasion, and a black brocaded waistcoat, which almost rivalled the gloom and grandeur the housekeeper's satin gown. The day wore on even-g closed in, bed-time came—and there were no signs yet Mr. and Mrs. Frankland.

of Mr. and Mrs. Frankland.

But the first was an early day on which to expect hem. The steward thought so, and the housekeeper dded that it would be foolish to feel disappointed, even f they did not arrive until the fifth. The fifth came, and till nothing happened. The sixth, seventh, eighth and inthe followed; and no sound of the expected carriage-

eels came near the lonely house. On the tenth, and last day, the housekeeper, the steward On the tenth, and last day, the housekeeper, the steward, and the maid, all three rose earlier than usual; all three pened and shut doors, and went up and down stairs tener than was needful; all three looked out perpetually wards the moor and the high road, and thought the liew flatter, and duller, and emptier than ever it had appeared to them before. The day waned, the sunset came; kness changed the perpetual looking out of the house-per, the steward, and the maid, into perpetual listen-ten o'clock struck, and still there was nothing to be when they went to the open window, but the dull,

AN IRISHMAN'S RESOURCES.

ME. MEAGHER, in his speech at the St. Patrick's Day

com the bottle he soon found his way to the halberts.

The regiment was paraded, the proceedings read, and addy tied up. The signal was given for the drummers begin, when Paddy Shannon exclaimed:

"Listen now, Sir Hugh. Do you mean to say you are going to flog me? Just recollect who it was sounded the charge at Boressa, when you took the only French agle ever taken. Was n't it Paddy Shannon? Little I thought that day it would come to this; and the regiment so proud of that same eagle on the colours."

"Take him down," said Sir Hugh, and Paddy escaped A very short time, however, elapsed, before Paddy again found himself placed in similar circumstances.

"Go ou," said the Colonel.

"Don't be in a hurry, ejaculated Paddy, "I've a few words to say, Sir Hugh."

"The eagle won't save you this time, sir."

"Is it the eagle, indeed! then I wasn't going to say be proud of it. But I was just going to ask if it wasn't Paddy Shannon who, when the breach of Tarifa was stormed by 22,000 French, and only the 87th to defend it, if it wasn't Paddy Shannon who struck up 'Garryown, to glory, boys,' and you, Sir Hugh, have got the same two towers and the breach between them upon your coat of arms in testimony thereof." "Take him down," said the Colonel, and Paddy was

Paddy, however, had a long list of services to get through, and a good deal of whiskey, and ere another two months he was again tied up, the sentence read, and a assurance from Sir Hugh that nothing again woul nake him relent. Paddy tried the eagle—it was of n use. He appealed to Sir Hugh's pride and the breach of Tarifa without any avail. "And is it me," at last he broke out, "that you are

going to flog? I ask you Sir Hugh Gough, before the phole Regiment, who know it well, if it wasn't Paddy Shannon who picked up the French Field-Marshal's staff at the battle of Victoria, that the Duke of Welling sent to the Prince Regent, and for which he got that letter that will be long remembered, and that made him a Field-Marshal into the bargain? The Prince Regent said, 'You've sent me the staff of a Field-Marshal of France; I return you that of a Field-Marshal of England. Was n't it Paddy Shannon that took it? Padd Shannon, who never got rap, or recompense, or ribbon or star, or coat-of-arms, or mark of distinction except the

ogging you are going to give him." "Take him down," cried Sir Hugh, and again Paddy

Gleanings from Foreign Publications.

The Examiner observes that we cannot fail to observ what blows Mr. Thackeray, in his lectures, is dealing a the mere blind instinct of loyalty. In the midst of his scorn of George IV., and of his wonder at the worshi paid to him by our fathers, he exclaims abruptly, "would we bear him now?" A loud applause follows the ques-tion. Our present Queen has taught us what a sovereign should be. There is no discouragement under her rule to speaking the truth, even about her forefathers; and it is consistent in England now, both with law and loyalty, to give to vice and folly their right names. The like i ardly to be said of any other sovereign or state it

Europe.

—In the Greek islands the late Lieutenant-General Sir Charles Napier knew Lord Byron, and gossiped about him in his letters: "Lord Byron tells me he has touched up the Duke of Wellington in 'Don Juan': he means to write one hundred and fifty cantos, and he gets two thousand pounds a canto! Good trade, a poet's!" Again: "Lord Byron is still here, a very good fellow, very pleasant, always laughing and joking. An American gave a very good account of him in the newspapers, but said his head was too large in proportion, which is not true. He dined with me the day before the paper arrived, and four or five of us tried to put on his hat, but none could; he had the smallest head of all, and one of ithe smallest I ever saw. He is very compassionate, and kind to every ver saw. He is very compassionate, and kind to every one in distress.

—Mr. Gosse, like many of our best authorities, include the Sponges amongt animals, and prefixes to his accoun of them a very interesting disquisition as to what consti tutes an animal. He comes to the conclusion that the did to trace, that they shade into each other almost impercepter. tibly, and that it is more than doubtful whether there is the really any boundry at all. The sponge of domestic use, which may serve as a type of the class, is merely a skelewater is perpetually drunk in by one set of holes and poured out by another, so that a constant current is kept up through the body of the animal. --- NOVEL VIEW OF THE SAINTS .- " Everything became

ponred ont by another, so that a constant current is kept up through the body of the animal.

—Novel View of the Sainys.—"Everything became proper in our hands for some purpose," said an eminent old Jesuit in a conversation touching the consummate policy of his order. "We destined the most eloquent to the pulpit, the most crafty to politics, the most ambitious to the confessional of princes." "But," it was remarked, "there must have been fools among you, as everywhere else: to what use did you apply them?" "We made saints of them!" was the imperturbable reply. This refinement of adaptation, this habit of putting "the right man in the right place," is doubtless the secret of its marvellous success, albeit there be comparatively few in the latter category. That the Church has profited largely by this infusion of worldly wisdom through the wisest of its "children" is manifest in the matchless adaptations of it complicate machinery, and in nothing more, perhaps, than it its ever lengthening calendar of saints.—Roman Correspondent Newark Advertiser.

—The rat has its social virtues. A writer in the Quarterly Review avows that he could "fill pages" with relation to them: "If he can be savage when self-protection requires, he also has his softer moments in which he shows confidence in man almost as strong as that exhibited by the dog or cat. An old blind rat, on whose head the snows of many winters had gathered, was in the habit of sitting beside our kitchen fire with all the comfortable look of his enemy, the cat, and such a favour ite had he become with the servants that he was never allowed to be disturbed. He unhappily fell a victim to the sudden spring of a strange cat. A close observation of these animals entirely conquers the antipathy which is entertained towards them. Their sharp and handsome heads, their bright eyes, their intelligent look, their sleek skins, are the very reverse of repulsive, and there is positive attraction in the beautiful manner in which they sit licking their paws and washing their face

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